

Title 468 WAC

TRANSPORTATION, DEPARTMENT OF

(Formerly: Highway Commission, etc.)

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Chapter 468-42

VEHICLE PARKING RESTRICTIONS

468-42-002	State Route 2. [Statutory Authority: RCW 46.61.570. 79-04-019 (Order 24), § 468-42-002, filed 3/19/79. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-42-002, filed 12/20/78. Formerly WAC 252-32-002.] Repealed by 83-09-038 (Order 78), filed 4/18/83. Statutory Authority: RCW 46.61.575 and 34.04.010.
468-42-003	State Route 3. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1,

468-42-004	Resolution No. 13), § 468-42-003, filed 12/20/78. Formerly WAC 252-32-003.] Repealed by 83-09-038 (Order 78), filed 4/18/83. Statutory Authority: RCW 46.61.575 and 34.04.010.
468-42-005	State Route 4. [Statutory Authority: RCW 46.61.570. 79-04-021 (Order 26), § 468-42-004, filed 3/19/79. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-42-004, filed 12/20/78. Formerly WAC 252-32-004.] Repealed by 83-09-038 (Order 78), filed 4/18/83. Statutory Authority: RCW 46.61.575 and 34.04.010.
468-42-006	State Route 5. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-42-005, filed 12/20/78. Formerly WAC 252-32-005.] Repealed by 83-09-038 (Order 78), filed 4/18/83. Statutory Authority: RCW 46.61.575 and 34.04.010.
468-42-007	State Route 6. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-42-006, filed 12/20/78. Formerly WAC 252-32-006.] Repealed by 83-09-038 (Order 78), filed 4/18/83. Statutory Authority: RCW 46.61.575 and 34.04.010.
468-42-008	State Route 7. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-42-007, filed 12/20/78. Formerly WAC 252-32-007.] Repealed by 83-09-038 (Order 78), filed 4/18/83. Statutory Authority: RCW 46.61.575 and 34.04.010.
468-42-009	State Route 9. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-42-009, filed 12/20/78. Formerly WAC 252-32-009.] Repealed by 83-09-038 (Order 78), filed 4/18/83. Statutory Authority: RCW 46.61.575 and 34.04.010.
468-42-011	State Route 11. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-42-011, filed 12/20/78. Formerly WAC 252-32-011.] Repealed by 83-09-038 (Order 78), filed 4/18/83. Statutory Authority: RCW 46.61.575 and 34.04.010.
468-42-012	State Route 12. [Statutory Authority: RCW 46.61.570. 79-04-020 (Order 25), § 468-42-012, filed 3/19/79. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-42-012, filed 12/20/78. Formerly WAC 252-32-012.] Repealed by 83-09-038 (Order 78), filed 4/18/83. Statutory Authority: RCW 46.61.575 and 34.04.010.
468-42-014	State Route 14. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-42-014, filed 12/20/78. Formerly WAC 252-32-014.] Repealed by 83-09-038 (Order 78), filed 4/18/83. Statutory Authority: RCW 46.61.575 and 34.04.010.
468-42-020	State Route 20. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-42-020, filed 12/20/78. Formerly WAC 252-32-02001.] Repealed by 83-09-038 (Order 78), filed 4/18/83. Statutory Authority: RCW 46.61.575 and 34.04.010.
468-42-022	State Route 22. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-42-022, filed 12/20/78. Formerly WAC 252-32-022.] Repealed by 83-09-

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038 (Order 78), filed 4/18/83. Statutory Authority: RCW 46.61.575 and 34.04.010.

468-42-908 State Route 908. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-42-908, filed 12/20/78. Formerly WAC 252-32-908.] Repealed by 83-09-038 (Order 78), filed 4/18/83. Statutory Authority: RCW 46.61.575 and 34.04.010.

Chapter 468-50**AUTO STAGE SPEED RESTRICTIONS**

468-50-010 Speed limits for auto stages on state highways. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-50-010, filed 12/20/78. Formerly WAC 252-36-010.] Repealed by 83-09-039 (Order 79), filed 4/18/83. Statutory Authority: RCW 46.61.405, 46.61.410 and 34.04.010.

Chapter 468-62**HIGHWAY ILLUMINATION**

468-62-010 Interstate highways. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-62-010, filed 12/20/78. Formerly WAC 252-30-010.] Repealed by 82-13-014 (Order 71), filed 6/7/82. Statutory Authority: RCW 47.01.101(5).

468-62-020 Freeways (other than interstate). [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-62-020, filed 12/20/78. Formerly WAC 252-30-020.] Repealed by 82-13-014 (Order 71), filed 6/7/82. Statutory Authority: RCW 47.01.101(5).

468-62-030 Four-lane highways. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-62-030, filed 12/20/78. Formerly WAC 252-30-030.] Repealed by 82-13-014 (Order 71), filed 6/7/82. Statutory Authority: RCW 47.01.101(5).

468-62-040 Two-lane highways. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-62-040, filed 12/20/78. Formerly WAC 252-30-040.] Repealed by 82-13-014 (Order 71), filed 6/7/82. Statutory Authority: RCW 47.01.101(5).

468-62-050 Other conditions justifying illumination. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-62-050, filed 12/20/78. Formerly WAC 252-30-050.] Repealed by 82-13-014 (Order 71), filed 6/7/82. Statutory Authority: RCW 47.01.101(5).

468-62-060 Illumination by others. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-62-060, filed 12/20/78. Formerly WAC 252-30-110.] Repealed by 82-13-014 (Order 71), filed 6/7/82. Statutory Authority: RCW 47.01.101(5).

Chapter 468-78**TRANSPORTATION BUILDINGS--WORKS OF ART**

468-78-010 Authority. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-78-010, filed 12/20/78. Formerly WAC 252-60-010.] Repealed by 86-01-065 (Order 101), filed 12/17/85. Statutory Authority: RCW 47.01.101(5).

468-78-020 Funding. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-78-020, filed 12/20/78. Formerly WAC 252-60-020.] Repealed by 86-01-065 (Order 101), filed 12/17/85. Statutory Authority: RCW 47.01.101(5).

468-78-030 Powers. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1,

Resolution No. 13), § 468-78-030, filed 12/20/78. Formerly WAC 252-60-030.] Repealed by 86-01-065 (Order 101), filed 12/17/85. Statutory Authority: RCW 47.01.101(5).

Chapter 468-87**REGULATIONS REGARDING FINANCIAL SUPPORT TO PRIVATE, NONPROFIT CORPORATIONS FOR CAPITAL ASSISTANCE IN PROVIDING TRANSPORTATION FOR THE ELDERLY AND HANDICAPPED**

468-87-010 Definitions. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-010, filed 5/5/81. Formerly WAC 365-42-010.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-020 Program description. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-020, filed 5/5/81. Formerly WAC 365-42-020.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-030 Purpose. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-030, filed 5/5/81. Formerly WAC 365-42-030.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-100 Program period. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-100, filed 5/5/81. Formerly WAC 365-42-100.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-110 Qualification criteria. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-110, filed 5/5/81. Formerly WAC 365-42-110.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-200 Application procedures. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-200, filed 5/5/81. Formerly WAC 365-42-200.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-210 Evaluation of applications. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-210, filed 5/5/81. Formerly WAC 365-42-210.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-220 Coordination. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-220, filed 5/5/81. Formerly WAC 365-42-220.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-230 Selection. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-230, filed 5/5/81. Formerly WAC 365-42-230.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-240 State application. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-240, filed 5/5/81. Formerly WAC 365-42-240.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-300 Contract. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-300, filed 5/5/81. Formerly WAC 365-42-300.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-310 Surplus funds. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-310, filed 5/5/81. Formerly WAC 365-42-310.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-320 Equipment purchasing. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-320, filed 5/5/81. Formerly WAC 365-42-320.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-330 UMTA interest. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-330, filed 5/5/81. Formerly WAC 365-42-330.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-340 Equipment acceptance. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-340, filed 5/5/81. Formerly WAC 365-42-340.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-350 Vehicle registration and licensing. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-350, filed 5/5/81. Formerly WAC 365-42-350.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-360 Equipment use. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-360, filed 5/5/81. Formerly WAC 365-42-360.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-370 Maintenance. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-370, filed 5/5/81. Formerly WAC 365-42-370.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-380 Inspections. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-380, filed 5/5/81. Formerly WAC 365-42-380.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-390 Reports. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-390, filed 5/5/81. Formerly WAC 365-42-390.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-410 Insurance. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-410, filed 5/5/81. Formerly WAC 365-42-410.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-420 Indemnity. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-420, filed 5/5/81. Formerly WAC 365-42-420.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-430 Risk of loss or damage. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-430, filed 5/5/81. Formerly WAC 365-42-430.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-440 Disposal of equipment. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-440, filed 5/5/81. Formerly WAC 365-42-440.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-510 Accounting records. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-510, filed 5/5/81. Formerly WAC 365-42-510.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-610 Safety. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-610, filed 5/5/81. Formerly WAC 365-42-610.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

468-87-710 Termination. [Statutory Authority: RCW 47.01.101(5). 81-10-058 (Order 91), § 468-87-710, filed 5/5/81. Formerly WAC 365-42-710.] Repealed by 85-01-054 (Order 91), filed 12/17/84. Statutory Authority: RCW 47.01.101(5).

Chapter 468-06 WAC

PUBLIC ACCESS TO INFORMATION AND RECORDS

WAC

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WAC 468-06-010 Purpose. The purpose of this chapter shall be to ensure compliance by the Washington state department of transportation with the provisions of chapter 1, Laws of 1973 (Initiative 276), and in particular with sections 25 through 32 of that act, dealing with public records.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-010, filed 12/20/78. Formerly WAC 252-03-010.]

WAC 468-06-020 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristic.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

(3) "Department" means the Washington state department of transportation.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-020, filed 12/20/78. Formerly WAC 252-03-020.]

WAC 468-06-030 Exempted records. The following records shall be exempt from public inspection and copying. For further exemptions, chapter 42.17 RCW and in particular RCW 42.17.310 should be consulted.

(1) Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(2) Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies, and state agencies vested

with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(3) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: *Provided*, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: *Provided, further*, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(4) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.

(5) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired, or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(6) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(7) Preliminary drafts, notes, recommendations, and intraagency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(8) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(9) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(10) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(11) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47-.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(12) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(13) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

[Statutory Authority: RCW 42.17.250 through 42.17.340. 89-17-047 (Order 120), § 468-06-030, filed 8/14/89, effective 9/14/89; 85-23-040 (Order 97), § 468-06-030, filed 11/18/85. Statutory Authority: RCW 42.17.250 through 42.17.350. 81-11-035 (Order 62), § 468-06-030, filed 5/19/81. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-030, filed 12/20/78. Formerly WAC 252-03-025.]

WAC 468-06-040 Description of central and field organization of the Washington state department of transportation. (1) The department of transportation is a statutorily created agency of the state of Washington. The headquarters office of the department of transportation is located in the Transportation Building, Olympia, WA 98504.

(2) The department of transportation is headed by a secretary who is the executive head of the department and is appointed by the transportation commission.

(a) Serving directly under the secretary are the deputy secretary, legislative and strategic management relations, and economic development affairs. There are also assistant attorney generals assigned to the department who provide legal services in department matters.

(b) The deputy secretary has jurisdiction over state aid, personnel, audit, public affairs, and the following divisions located in Olympia: Highways; planning, research and public transportation; marine transportation; aeronautics; and finance and budget management.

(c) The department functions are also carried out by six districts which are headed by a district administrator and report directly to the deputy secretary. The district locations are: Bellevue, Wenatchee, Tumwater, Vancouver, Yakima, and Spokane. The districts have various field offices which are headed by a supervisor.

(3) A more detailed description of the department of transportation is contained in the department organization handbook and is available from the public records officer in the headquarters building.

[Statutory Authority: RCW 42.17.250 through 42.17.340. 89-17-047 (Order 120), § 468-06-040, filed 8/14/89, effective 9/14/89; 85-23-040 (Order 97), § 468-06-040, filed 11/18/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-040, filed 12/20/78. Formerly WAC 252-03-030.]

WAC 468-06-050 Public records officer. The department's public records shall be in the charge of the manager, administrative services, who shall be the public records officer for the department. In the absence of the manager, administrative services, the records manager shall serve as the public records officer. The persons so designated shall be located in the transportation building, Olympia, Washington. The public records officer shall be responsible for the following: The implementation of the department's rules and regulations regarding release of public records, coordinating the staff of the

department in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

[Statutory Authority: RCW 42.17.250 through 42.17.340. 89-17-047 (Order 120), § 468-06-050, filed 8/14/89, effective 9/14/89. Statutory Authority: RCW 42.17.250 through 42.17.350. 81-11-035 (Order 62), § 468-06-050, filed 5/19/81. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-050, filed 12/20/78. Formerly WAC 252-03-040.]

WAC 468-06-060 Public records available. All public records of the department, as defined in WAC 468-06-020, are deemed to be available for public inspection and copying pursuant to these rules, except as provided in WAC 468-06-030.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-060, filed 12/20/78. Formerly WAC 252-03-050.]

WAC 468-06-070 Requests for public records. Subject to the provisions of subsection (3) of this section, and in accordance with the requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures.

(1)(a) A public record may ordinarily be disclosed upon an oral or written request. Requests will be referred to the public records officer or public disclosure coordinator. All requests shall contain the following information:

- (i) The name of the requester.
- (ii) The date the request was made.
- (iii) Public records or information requested.
- (iv) Requester's signature (if written request.)
- (b) The person handling the oral request shall require the requester to complete the form, Request for Public Record, S.F. 276 in the following instances:
 - (i) Whenever the record requested clearly falls within the statutory exemptions of WAC 468-06-030 or when the exempt status of the record is unclear.
 - (ii) Whenever an entire file is requested or all records of a general category are requested unless the number of documents involved is less than ten.
 - (iii) Records pertaining to condemnation actions or other pending litigation to which the department is a party or pertaining to any controversy to which the department is party.
 - (iv) When the document requested has a notation "legal work product" or "privileged attorney-client communication" or similar notice of privileged material.
 - (v) Where the oral request is too complicated or too extensive and inconvenient to the department to handle the matter on an oral basis.

(2) The department hereby adopts for use by all persons making written request for inspection and/or copying or copies of its records, the Form S.F. 276, Request for public record, as it exists or may hereafter be revised. This form is available from the public records officer and also from the districts.

(3) The public records officer or person handling the request shall inform the member of the public making the request whether or not the requested record is available for inspection or copying at a district office or at the transportation building in Olympia, Washington.

(4) The records requested are not to be used to compile a commercial sales list.

(5) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the department is also a party (or when such a request is made by or on behalf of an attorney for such a party) the request shall be referred to the assistant attorney general assigned to the department for appropriate response.

[Statutory Authority: RCW 42.17.250 through 42.17.340. 85-23-040 (Order 97), § 468-06-070, filed 11/18/85. Statutory Authority: RCW 42.17.250 through 42.17.350. 81-11-035 (Order 62), § 468-06-070, filed 5/19/81. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-070, filed 12/20/78. Formerly WAC 252-03-060 and 252-03-990.]

WAC 468-06-080 Availability for public inspection and copying of public records—Office hours. Public records shall be available for inspection and copying during the customary office hours of the department of transportation. For the purposes of this chapter, the customary office hours shall be from 8 a.m. to noon and from 1 p.m. to 5 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-080, filed 12/20/78. Formerly WAC 252-03-070.]

WAC 468-06-090 Inspection and copying cost. (1) No fee shall be charged for inspection of public records.

(2) The department of transportation shall impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse the department for its actual costs incident to such copying. Actual costs shall include the labor costs of staff, machine cost and paper cost necessary to provide copies of requested records.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-090, filed 12/20/78. Formerly WAC 252-03-080.]

WAC 468-06-100 Protection of public records. In order to implement the provisions of section 29, chapter 1, Laws of 1973, requiring agencies to enact reasonable rules to protect public records from damage or disorganization, the following rules have been adopted.

(1) Copying of public documents shall be done by department personnel and under the supervision of said personnel, upon the request of members of the public under the procedures set down in WAC 468-06-070.

(2) No document shall be physically removed by a member of the public from the area designated by the department for the public inspection of documents for any reason whatever.

(3) When a member of the public requests to examine an entire file or group of documents, as distinguished

from a request to examine certain individual documents which can be identified and supplied by themselves, the department shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure by section 31, chapter 1, Laws of 1973, is contained therein, and the department shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of causing such an inspection to be performed.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-100, filed 12/20/78. Formerly WAC 252-03-090.]

WAC 468-06-110 Denial of request. Each denial of a request for a public record shall be accompanied by a written statement to the requestor clearly specifying the reasons for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. Such statement shall be sufficiently clear and complete to permit the secretary of transportation or designee to review the denial in accordance with WAC 468-06-120.

[Statutory Authority: RCW 42.17.250 through 42.17.340. 85-23-040 (Order 97), § 468-06-110, filed 11/18/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-110, filed 12/20/78. Formerly WAC 252-03-100.]

WAC 468-06-120 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition the public records officer for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) After receiving a written request for review of a decision denying a public record, if the public records officer determines to affirm the denial, then the written request shall immediately be referred to the assistant attorney general assigned to the department. The assistant attorney general shall promptly consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the public records officer has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever first occurs.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-120, filed 12/20/78. Formerly WAC 252-03-110.]

WAC 468-06-130 Records index. (1) The department finds that it would be unduly burdensome and would interfere with agency operations to maintain an index of records as specified in RCW 42.17.260(3) because of the complexity and diversity of its operations and the resulting volume of manuals, correspondence, reports, surveys, staff studies and other materials.

(2) The department will make available for public disclosure all indices/which may at a future time be developed for agency use.

[Statutory Authority: RCW 42.17.250 through 42.17.350. 81-11-035 (Order 62), § 468-06-130, filed 5/19/81. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-130, filed 12/20/78. Formerly WAC 252-03-120.]

Chapter 468-10 WAC

PRACTICE AND PROCEDURE

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WAC 468-10-010 Appearance and practice before commission or secretary—Who may appear. No person

may appear in a representative capacity before the commission, or the secretary of transportation or its or his designated hearing officer other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) A bona fide officer, partner, or full-time agent or employee of an individual association, partnership or corporation who appears for such individual association, partnership or corporation.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-010, filed 12/20/78. Formerly WAC 252-08-010.]

WAC 468-10-020 Appearance and practice before commission or secretary—Solicitation of business unethical. It shall be unethical for persons acting in a representative capacity before the commission or the secretary to solicit business by circulars, advertisements or by personal communication or interviews not warranted by personal relations, provided that such representatives may publish or circulate business cards. It is equally unethical to procure business indirectly by solicitors of any kind.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-020, filed 12/20/78. Formerly WAC 252-08-030.]

WAC 468-10-030 Appearance and practice before commission or secretary—Standards of ethical conduct. All persons appearing in proceedings before the commission or the secretary in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the commission or the secretary may decline to permit such person to appear in a representative capacity in any proceeding before the commission.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-030, filed 12/20/78. Formerly WAC 252-08-040.]

WAC 468-10-040 Appearance and practice before commission or secretary—Appearance and/or representation by former employee, attorney, or officer. No person who has served as an officer, attorney or employee of the department of transportation shall, within a period of two years after the termination of such service or employment, appear before the commission or the secretary or receive compensation for any services rendered on behalf of any person, firm, corporation or association in relation to any case, proceeding or application with respect to which such person was directly concerned and in which he personally participated during the period of his service or employment.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-040, filed 12/20/78. Formerly WAC 252-08-050.]

WAC 468-10-050 Computation of time. The time within which acts are to be done, as provided in these

rules, shall be computed by excluding the first and including the last day. If the last day is a Saturday or Sunday or a holiday, the act must be completed on the next business day.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-050, filed 12/20/78. Formerly WAC 252-08-070.]

WAC 468-10-060 Order in presenting evidence—Franchise applications. Evidence will ordinarily be received in the following order:

(1) Applicants

(2) Department staff

(3) Protestants

(4) Rebuttal by applicant

(5) Such oral argument as the commission, the secretary or the hearing officer, may deem proper.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-060, filed 12/20/78. Formerly WAC 252-08-265.]

WAC 468-10-070 Official notice—Matters of law. The commission, the secretary or the hearing officer, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register.

(2) **State law.** The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all administrative rules, orders and notices filed with the code reviser.

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations.

(4) **Department organization.** The department's organization, administration, officers, personnel, official publications, and practitioners before its bar.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-070, filed 12/20/78. Formerly WAC 252-08-370.]

WAC 468-10-080 Official notice—Material facts. In the absence of controverting evidence, the commission, the secretary or the hearing officer, upon request made before or during a hearing, may officially notice:

(1) **Proceedings before the commission or secretary.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the commission or the secretary.

(2) **Business customs.** General customs and practices followed in the transaction of business.

(3) **Notorious facts.** Facts so generally and widely known to all well-informed persons as not to be subject

to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including, but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department or agency.

(4) **Technical knowledge.** Matters within the technical knowledge of the commission or the secretary as experts, within the scope or pertaining to the subject matter of the statutory duties, responsibilities or jurisdiction of the commission or the secretary.

(5) **Request or suggestion.** Any party may request, or the hearing officer for the commission or the secretary may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision.

(6) **Statement.** Where an initial or final decision of the commission rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision.

(7) **Controversy.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final decision. Such controversy shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision.

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the commission or the secretary or the authorized agents of the commission or the secretary from utilizing their experience, technical competence and specialized knowledge in the evaluation of the evidence presented to them.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-080, filed 12/20/78. Formerly WAC 252-08-380.]

WAC 468-10-090 Stipulations and admissions of record. The existence or nonexistence of a material fact, as made or agreed in a written stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding

who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed with the commission or the secretary during or prior to any hearing or continuance thereof.

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer or the commission or the secretary that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-090, filed 12/20/78. Formerly WAC 252-08-400.]

WAC 468-10-100 Form and content of decisions in contested cases. Every decision and order, whether proposed, initial or final, shall:

(1) Be correctly captioned as to name of agency and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriately numbered findings of fact and conclusions of law;

(5) Whenever practical, include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, be referenced to specific provisions of the law and/or regulations appropriate thereto.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-100, filed 12/20/78. Formerly WAC 252-08-410.]

WAC 468-10-110 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be made initially as precise as possible in order that the commission, the secretary or hearing officer may proceed promptly to conduct the hearings on relevant and material matter only.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-110, filed 12/20/78. Formerly WAC 252-08-420.]

WAC 468-10-120 Prehearing conference rule—Authorized. In any proceeding the commission, secretary or designated hearing officer upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

(1) The simplification of the issues;

(2) The necessity of amendments to the pleadings;

(3) The possibility of obtaining stipulations, admissions of facts and of documents;

(4) The limitation of the number of expert witnesses;

(5) Such other matters as may aid in the disposition of the proceeding.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-120, filed 12/20/78. Formerly WAC 252-08-430.]

WAC 468-10-130 Prehearing conference rule—Record of conference action. The commission, the secretary or the designated hearing officer shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-130, filed 12/20/78. Formerly WAC 252-08-440.]

WAC 468-10-140 Submission of documentary evidence in advance. Where practicable the commission, the secretary or the designated hearing officer may require:

(1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the hearing examiner and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence.

(2) That documentary evidence not submitted in advance, as may be required by subsection (1) of this section, be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner.

(3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-140, filed 12/20/78. Formerly WAC 252-08-450.]

WAC 468-10-150 Excerpts from documentary evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-150, filed 12/20/78. Formerly WAC 252-08-460.]

(1989 Ed.)

WAC 468-10-160 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. The commission, the secretary or hearing officer in all classes of cases where practicable may make an effort to have the interested parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the interested parties cannot agree, require them to submit to it and to the other parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by it and fixed sufficiently in advance of the hearing to permit the other interested parties to investigate such qualifications.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-160, filed 12/20/78. Formerly WAC 252-08-470.]

WAC 468-10-170 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. The commission, the secretary or hearing officer, in all classes of cases in which it is practicable and pertinent, may require that all direct opinion or expert testimony and all direct testimony based on economic or statistical data be reduced to written sworn statements, and, together with the exhibits upon which based, be submitted to it and to the other parties to the proceeding by a date determined by the commission, the secretary or hearing officer and fixed a reasonable time in advance of the hearing; and such sworn statements may be acceptable as evidence upon formal offer at the hearing, subject to objection on any ground except that such sworn statements shall not be subject to challenge because the testimony is not presented orally: *And Provided*, That witnesses making such statements shall not be subject to cross-examination unless a request is made sufficiently in advance of the hearing to insure the presence of the witnesses.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-170, filed 12/20/78. Formerly WAC 252-08-480.]

WAC 468-10-180 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. The commission, the secretary or hearing officer, in its or his discretion but consistent with the rights of the parties, may cause the parties to make available for inspection in advance of the hearing, and for purposes of cross-examination at the hearing, the data, underlying statements and exhibits submitted in accordance with WAC 468-10-170.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-180, filed 12/20/78. Formerly WAC 252-08-490.]

WAC 468-10-190 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 468-10-160 or 468-10-170. Whenever the manner of introduction of opinion or expert testimony or testimony based on economic or statistical data is governed by requirements fixed under the

provisions of WAC 468-10-160 or 468-10-170, such testimony not submitted in accordance with the relevant requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to conform to such requirements.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-190, filed 12/20/78. Formerly WAC 252-08-500.]

WAC 468-10-200 Continuances. Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the commission, the secretary or designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The commission, the secretary or designated hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the commission, the secretary or designated hearing officer may grant such a continuance and may at any time order a continuance upon its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the commission, the secretary or hearing officer may in its or his discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-200, filed 12/20/78. Formerly WAC 252-08-510.]

WAC 468-10-210 Rules of evidence—Admissibility criteria. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the commission or officer conducting the hearing, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the commission, the secretary or officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in the superior court of the state of Washington.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-210, filed 12/20/78. Formerly WAC 252-08-520.]

WAC 468-10-220 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.

When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The commission, or secretary or officer conducting the hearing may, in its or his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-220, filed 12/20/78. Formerly WAC 252-08-530.]

WAC 468-10-230 Briefs. Briefs may be filed in any proceeding before the commission or before the secretary by any interested party, and shall be filed by any party to the proceeding upon the request of the commission or the secretary, and within such time as shall be directed by the commission or the secretary. The commission or the secretary may require the filing of all briefs within three days after the close of the hearing upon a determination that the proceeding is such that an order should issue promptly; and in the case of matters requiring an immediate decision, may require the parties, or their counsel, to present their arguments and authority orally at the close of the hearing, instead of by facts and conclusion which the evidence tends to prove, and point out the particular evidence relied upon to support such conclusion. Briefs may be printed (size 6 1/2 inches by 8 1/2 inches), otherwise, they shall be mimeographed or typewritten (size 8 1/2 inches by 13 inches), and all copies shall be clearly legible. Eight copies of each brief shall be filed when the matter is being heard by the commission and two copies shall be filed when the matter is being heard by the secretary and copies thereof shall be served on all parties to the case, or their counsel.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-230, filed 12/20/78. Formerly WAC 252-08-535.]

WAC 468-10-232 Answer. (1) A party served with a notice of hearing pursuant to RCW 34.04.090(1) shall file an answer thereto stating in short and plain terms his response or defenses to the matters asserted in the notice and shall admit or deny averments contained in the notice (other than the statement of the time, place, and nature of the proceeding). If he is without knowledge or information sufficient to form a belief as to the truth of an averment, he shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the averments denied. When a party intends in good faith to deny only a part or a qualification of an averment, he shall specify so much of it as is true and material and shall deny only the remainder. Unless the party intends in good faith to controvert all the averments contained in the notice, he may make his denials as specific denials of designated averments or paragraphs, or he may generally deny all the averments except such designated averments or paragraphs as he expressly admits.

(2) In his answer to the notice, a party shall set forth affirmatively any matter constituting an avoidance or affirmative defense. Defenses not pleaded in an answer are waived.

(3) An answer shall be filed within 20 days after notice of hearing is served unless the date of the hearing is less than 40 days from the date the notice of hearing is served in which event an answer must be filed within half the intervening time.

(4) Any defense that the hearing cannot be held because the party served with the notice has been prejudiced because of some irregularity in procedure must be pleaded in the answer by specific averment which shall

include such supporting particulars as are within the answering party's knowledge or could have reasonably been learned by the answering party.

(5) No reply to an answer shall be filed. Affirmative averments in the answer shall be deemed denied or avoided.

[Statutory Authority: RCW 34.04.020 and 34.04.022. 83-19-016 (Order 86), § 468-10-232, filed 9/12/83.]

WAC 468-10-234 Agency action following preparation of proposed decision. (1) Upon receipt of proposed findings of fact, conclusions of law, and decision prepared by an administrative law judge after a contested case hearing, the secretary of transportation or his designee shall afford any party that will be affected by the decision an opportunity to file written exceptions to the proposed decision.

(2) Exceptions to the administrative law judge's proposed decision must be filed with the secretary of transportation or his designee and one copy must be served upon all other parties of record or their attorneys within 20 days of the date of service of said proposed decision.

(3) Exceptions to the administrative law judge's proposed decision shall be specific and must be stated and numbered separately. Exceptions to findings of fact must be supported by reference to that page or part of the record relied upon to support the exception, and shall be accompanied by a recommended finding of fact. An exception to a conclusions of law must be supported by reference to the appropriate statute, and/or to the applicable rule involved and shall be accompanied by a recommended conclusion of law.

(4) Any party of record may file a reply to exceptions. A reply must be filed with the secretary of transportation or his designee. One copy shall be served upon all other parties of record or their attorney of record within 10 days of the date of service of the exceptions. A reply to exceptions shall be specific and must be stated and numbered separately and must be supported by reference to that page or part of the record relied upon to support the reply.

(5) The secretary of transportation or his designee may in his discretion, upon notice to the parties, reduce or extend the time for filing exceptions and replies.

(6) Briefs or written arguments shall accompany exceptions and replies.

(7) The secretary of transportation or his designee may in his discretion hear oral argument at a time and place which he may designate upon notice to all affected parties.

(8) After reviewing the exceptions, replies, briefs, oral arguments, if any, and the record or such portions thereof which as may be cited by the parties, the secretary of transportation or his designee may affirm, amend or reverse in whole or in part the administrative law judge's proposed decision by an appropriate order. The statutory time for review proceedings in Thurston County superior court shall not commence until the final order is served upon the party seeking the review.

[Statutory Authority: RCW 34.04.020 and 34.04.022. 83-19-016 (Order 86), § 468-10-234, filed 9/12/83.]

WAC 468-10-240 Petitions for rule making, amendment, or repeal—Who may petition. Any interested person may petition the commission or the secretary requesting the promulgation, amendment or repeal of any rule.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-240, filed 12/20/78. Formerly WAC 252-08-540.]

WAC 468-10-250 Petitions for rule making, amendment, or repeal—Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-250, filed 12/20/78. Formerly WAC 252-08-550.]

WAC 468-10-260 Petitions for rule making, amendment, or repeal—Agency must consider. All petitions shall be considered by the commission or by the secretary. The commission or the secretary may, in its or his discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal or modification of any rule.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-260, filed 12/20/78. Formerly WAC 252-08-560.]

WAC 468-10-270 Petitions for rule making, amendment, or repeal—Notice of disposition. The commission or the secretary shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-270, filed 12/20/78. Formerly WAC 252-08-570.]

WAC 468-10-280 Petitions for rule making, amendment, or repeal—Form. Any interested person petitioning the commission or the secretary requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose:

At the top of the page shall appear the wording "Before the Washington state transportation commission" or "Before the secretary of transportation." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (Name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or

amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by the WAC section number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and seven legible copies of the petition shall be filed with the commission if the commission has jurisdiction or an original and one copy shall be filed with the secretary if the secretary has jurisdiction. Petitions shall be on white paper, either 8 1/2 inches by 11 inches or 8 1/2 inches by 13 inches in size.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-280, filed 12/20/78. Formerly WAC 252-08-575.]

WAC 468-10-290 Declaratory rulings—Who may petition—Action of commission or secretary. As prescribed by RCW 34.04.080, any interested person may petition the commission or the secretary for a declaratory ruling. The commission or secretary shall consider the petition, and within a reasonable time shall:

- (1) Issue a nonbinding declaratory ruling; or
- (2) Notify the person that no declaratory ruling is to be issued; or
- (3) Set a reasonable time and place for hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing or submission of evidence and of the issues involved.

If a hearing is held or evidence submitted as provided in subsection (3) of this section, the commission or the secretary shall within a reasonable time:

- (a) Issue a binding declaratory ruling; or
- (b) Issue a nonbinding declaratory ruling; or
- (c) Notify the person that no declaratory ruling is to be issued.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-290, filed 12/20/78. Formerly WAC 252-08-580.]

WAC 468-10-300 Forms. Any interested person petitioning the commission or the secretary for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Washington state transportation commission" or "Before the secretary of transportation." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name

of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and seven legible copies shall be filed with the agency. Petitions shall be on white paper, either 8 1/2 inches by 11 inches or 8 1/2 inches by 13 inches in size.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-300, filed 12/20/78. Formerly WAC 252-08-590.]

WAC 468-10-310 Stay of final decision. Upon entry of final decision in a contested case, any party aggrieved by such decision may, within 10 days after service of the decision, petition the commission or the secretary for a stay of such decision pending filing by said party of a petition for judicial review. Upon filing, the commission or the secretary may order a stay under such terms as it deems proper.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-310, filed 12/20/78. Formerly WAC 252-08-595.]

WAC 468-10-320 Consideration of economic costs and impacts in rule making. In adopting rules pursuant to the provisions of chapter 34.04 RCW, the Washington state transportation commission and the secretary of transportation shall consider the economic costs and impacts of such rules, along with environmental, social, health, and safety considerations. Reasonable efforts shall be made to minimize the economic cost to affected parties and the public of complying with such rules, to the extent that such cost minimization is consistent with the environmental, social, health, safety, or other policies sought to be implemented by such rules.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-10-320, filed 12/20/78. Formerly WAC 252-08-600.]

Chapter 468-12 WAC

TRANSPORTATION COMMISSION AND TRANSPORTATION DEPARTMENT STATE ENVIRONMENTAL POLICY ACT RULES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

468-12-025	Scope and coverage of this chapter. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-025, filed 12/20/78. Formerly WAC 252-09-025.] Repealed by 84-19-030 (Order 90), filed 9/14/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.
468-12-040	Incorporation of the SEPA guidelines adopted by the department of ecology. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-040, filed 12/20/78. Formerly WAC 252-09-040.] Repealed by 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.
468-12-080	Program assessment of related actions. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-080, filed 12/20/78. Formerly WAC 252-09-080.] Repealed by 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.
468-12-170	Categorical exemptions. [Statutory Authority: RCW 43.21C.120 and 47.01.101(5). 81-19-051 (Order 64), § 468-12-170, filed 9/11/81. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-170, filed 12/20/78. Formerly WAC 252-09-170.] Repealed by 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.
468-12-180	Exemptions for emergency actions. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-180, filed 12/20/78. Formerly WAC 252-09-180.] Repealed by 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.
468-12-185	Nonactions. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-185, filed 12/20/78. Formerly WAC 252-09-185.] Repealed by 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.
468-12-520	Procedures when consulted. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-520, filed 12/20/78. Formerly WAC 252-09-520.] Repealed by 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.
468-12-550	Extension of time period allowed for preparation of the final EIS. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-550, filed 12/20/78. Formerly WAC 252-09-550.] Repealed by 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.
468-12-820	Designation of responsible official. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-820, filed 12/20/78. Formerly WAC 252-09-820.] Repealed by 85-01-055 (Order 92), filed 12/17/84.

468-12-990	Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.
	Substantive effect of this chapter. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-990, filed 12/20/78. Formerly WAC 252-09-990.] Repealed by 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.
	Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.

WAC 468-12-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 43.21C.120 and chapter 197-11 WAC.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. 84-19-030 (Order 90), § 468-12-010, filed 9/14/84. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-010, filed 12/20/78. Formerly WAC 252-09-010.]

WAC 468-12-020 Purpose. (1) The purpose of this chapter is to establish rules pertaining to the integration of the policies and procedures of the State Environmental Policy Act (SEPA), chapter 43.21C RCW, into the programs, activities, and actions of the department of transportation (hereinafter referred to as the transportation department or the department). The rules contained herein are intended to implement and be consistent with the provisions and purposes of the SEPA guidelines (chapter 197-11 WAC).

(2) These rules are intended to establish procedures for implementing SEPA which reduce duplicative and wasteful practices, establish effective and uniform procedures, encourage public involvement, and promote certainty with respect to the requirements of SEPA.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. 84-19-030 (Order 90), § 468-12-020, filed 9/14/84. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-020, filed 12/20/78. Formerly WAC 252-09-020.]

WAC 468-12-055 Timing of the SEPA process. (1) As provided by WAC 197-11-055, the SEPA process shall be completed before the transportation department is irrevocably committed to a particular course of action. At the same time, the SEPA process should not be undertaken until a proposal is sufficiently definite to permit meaningful environmental analysis.

(2) The threshold determination and any required environmental impact statement (EIS) for transportation department nonproject actions shall be completed prior to official adoption of the action in question.

(3) The threshold determination and any required (EIS) for licensing actions of the transportation department shall be completed prior to issuance of the license or licenses in question. Environmental review relating to licensing actions, when required, shall begin as soon as an application is complete. Applicants shall provide all environmental and design information necessary to prepare the appropriate environmental document. No licensing actions of the department require the submission of environmental documents to planning commissions or similar advisory bodies.

(4) The threshold determination and any required EIS for transportation department actions of a project nature

shall in all cases be completed prior to the approval of the location or design of the project in question. A draft EIS shall be prepared prior to the first public hearing which may be held in connection with such project, and shall be made available at such hearing. While the transportation department may present a preferred alternate location or design in a draft EIS, final adoption of a particular location or design shall not occur until a final threshold determination has been made or a final EIS has been prepared.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. 84-19-030 (Order 90), § 468-12-055, filed 9/14/84. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-055, filed 12/20/78. Formerly WAC 252-09-055.]

WAC 468-12-060 Content of environmental review—Scope of proposals. (1) Proposals which are not so closely related to each other as to be, in effect, a single action, and which are related to a large existing or planned network of highways, streets, etc., may be separated, and the present proposal may be treated as the total proposal, or only some of the future elements of a proposed action may be selected for present consideration in a threshold determination or EIS. These categorizations shall be logical with relation to the design of the total system or network, and shall not be made merely to divide a larger system into exempted fragments. These categorizations shall (a) connect logical termini (population centers, major traffic generators, major cross-roads, etc.); (b) possess a reasonable degree of independent utility; and (c) promote a meaningful consideration of alternatives by avoiding the necessity of considering numerous combinations of different alternatives.

(2) Functionally related actions which are not categorically exempted by the provisions of WAC 197-11-800, and whose impacts are more significant and more readily analyzable on a "program" than on an "individual action" basis, may be analyzed, for purposes of threshold determinations and EIS preparation, as a total program.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. 84-19-030 (Order 90), § 468-12-060, filed 9/14/84. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-060, filed 12/20/78. Formerly WAC 252-09-060.]

WAC 468-12-455 Issuance of draft EIS. In addition to the circulation procedures specified by mandatory subsection of WAC 197-11-455(1), the draft EIS shall be made available at public libraries or other public places determined by the department to be appropriate and stated in the notice of availability of the draft EIS. Notice of the availability of the draft EIS shall be as stated under WAC 468-12-510.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. 84-19-030 (Order 90), § 468-12-455, filed 9/14/84.]

WAC 468-12-460 Issuance of final EIS. (1) As permitted in general terms by the provisions of WAC

197-11-460, the normal sixty-day period for preparation of a final EIS may be extended whenever the proposal is unusually large in scope, or where the environmental impact associated with the proposal is unusually complex. The determination that additional time is required for preparation of the final EIS shall be made in writing by the responsible official or his designee and shall be accompanied by a brief statement explaining the reason that additional time is required.

(2) Availability of the final EIS shall be as stated under WAC 468-12-510.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. 84-19-030 (Order 90), § 468-12-460, filed 9/14/84. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-460, filed 12/20/78. Formerly WAC 252-09-460.]

WAC 468-12-510 Public notice procedures. (1) The department shall inform the public of actions requiring notice and invitation to comment under WAC 197-11-502 and 197-11-510 in the following manner:

(a) For a determination of nonsignificance (DNS) or a mitigated DNS, issued under WAC 197-11-340(2) and 197-11-350 and requiring public notice under WAC 197-11-502 (3)(b); by (i) sending a copy of the DNS and the letter of transmittal sent to the department of ecology pursuant to WAC 197-11-508, to a newspaper of general circulation in the county, city, or general area where the proposed action is located, agencies with jurisdiction, affected Indian tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and (ii) any other agency, organization, or member of the public who has made a specific request for information on the proposed action in writing to the department. Each person requesting information shall submit such request individually in writing by mail.

(b) For a determination of significance (DS) issued under WAC 197-11-360 and requiring public notice under WAC 197-11-502 (4)(a); by (i) publishing notice in a newspaper of general circulation in the county, city, or general area where the proposed action is located; (ii) sending a copy of the DS to any agencies with jurisdiction, affected Indian tribes, and any other agencies, members of the public, and organizations who have commented on the proposed action in writing to the department or expressed in writing to the department an interest in the proposed action; and (iii) using one or more of the other methods specified in WAC 197-11-510 (1)(a), (d), (e), and (f), as selected by the department;

(c) For a draft EIS issued under WAC 197-11-455 and requiring public notice under WAC 197-11-455(5) and for a public hearing held under WAC 197-11-535 and requiring public notice under WAC 197-11-502(6); by (i) publishing notice in a newspaper of general circulation in the county, city, or general area where the proposed action is located; (ii) sending notice of the availability of the draft EIS or the notice of the hearing to any agencies with jurisdiction, affected Indian tribes, and any other agencies, members of the public, and organizations who have commented on the proposed action

in writing to the department or expressed in writing to the department an interest in the proposed action; and (iii) using one or more of the other methods specified in WAC 197-11-510 (1)(a), (d), (e), and (f), as selected by the department;

(d) For a final EIS issued under WAC 197-11-460 the document shall be sent to (i) the department of ecology (two copies), (ii) all agencies with jurisdiction, (iii) all agencies who commented on the draft EIS, and (iv) anyone requesting a copy of the final EIS. (As determined by the department a fee may be charged for the final EIS in accordance with WAC 197-11-504);

(e) For a notice of administrative review issued and requiring public notice pursuant to WAC 468-12-680:

(i) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the proposed action is located;

(ii) By filing notice of such action with the department of ecology in Olympia prior to the date of the last newspaper publication, and by one of the following methods which shall be accomplished prior to the date of the last newspaper publication:

(A) Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed through United States mail, first class, postage prepaid; or

(B) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed;

(iii) The form of such notice of administrative review shall be substantially as follows:

NOTICE OF ADMINISTRATIVE REVIEW
WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION

NOTICE IS GIVEN UNDER SEPA, CHAPTER 43.21C RCW, WAC 197-11-680, 468-12-680, AND 468-12-510, THAT THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION TOOK THE ACTION DESCRIBED IN 2. BELOW ON

1. ANY ACTION TO SET ASIDE, ENJOIN, REVIEW, OR OTHERWISE CHALLENGE SUCH ACTION ON THE GROUNDS OF NONCOMPLIANCE WITH THE PROVISIONS OF CHAPTER 43.21C RCW (STATE ENVIRONMENTAL POLICY ACT) SHALL BE COMMENCED BY ADMINISTRATIVE REVIEW, ON OR BEFORE A PARTY DESIRING JUDICIAL REVIEW OF THE DECISION RESULTING FROM SUCH ADMINISTRATIVE REVIEW SHALL COMMENCE SUCH APPEAL WITHIN: (A) NINETY DAYS OF THE ISSUANCE OF THIS NOTICE OF ACTION OR (B) THIRTY DAYS AFTER SERVICE OF THE FINAL DECISION OF THE DEPARTMENT, WHICHEVER IS LATER.

2. DESCRIPTION OF AGENCY ACTION:

3. DESCRIPTION OF PROPOSAL:

4. LOCATION OF PROPOSAL:

5. TYPE OF ENVIRONMENTAL REVIEW UNDER SEPA:

6. DOCUMENTS MAY BE EXAMINED DURING REGULAR BUSINESS HOURS AT:

7. THIS NOTICE IS FILED BY, P.E.
PROJECT DEVELOPMENT ENGINEER

DATE:

THIS DETERMINATION MAY BE APPEALED IN WRITING TO: PROJECT DEVELOPMENT ENGINEER; TRANSPORTATION BUILDING, MAILSTOP KF-01; OLYMPIA, WA 98504 NO LATER THAN

YOU SHOULD BE PREPARED TO MAKE SPECIFIC FACTUAL OBJECTIONS. CONTACT LOCATION DESIGN ENGINEER; TRANSPORTATION BUILDING; MAILSTOP KF-01; OLYMPIA, WA 98504; PHONE (206) 753-6141 TO READ OR ASK ABOUT THE PROCEDURES FOR SEPA APPEALS.

(2) If the department selects WAC 197-11-510 (1)(a), posting the property, as a public notice procedure, it shall do so by posting notices at major road and pedestrian intersections along the project.

(3) SEPA notices may be combined with other department notices.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. 88-01-029 (Order 111), § 468-12-510, filed 12/10/87; 84-19-030 (Order 90), § 468-12-510, filed 9/14/84.]

WAC 468-12-660 Substantive authority and mitigation. (1) It is the policy of the department that significant adverse economic, social, and environmental effects relating to any proposed department action should be fully considered in planning and implementing such action, and that final decisions on such action should be made in the best overall public interest, and taking into consideration (a) the need for fast, safe, efficient, and economical transportation and public services reasonably responsive to the public's preferences, (b) the adverse environmental, social, and economic effects of the proposed action and alternative courses of action, and (c) the costs of eliminating or minimizing such adverse effects.

(2) The provisions of this chapter shall be interpreted in accord with this policy. This policy shall also govern substantive decisions made by the department.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. 84-19-030 (Order 90), § 468-12-660, filed 9/14/84.]

WAC 468-12-680 Administrative review. (1) The administrative review process described in this section shall apply only to actions of the department where the department publishes a notice of administrative review and where no public hearing pursuant to either chapter 47.52 or 43.21C RCW has been provided. The notice of administrative review shall describe the action to be taken and the environmental document upon which the action is based and prescribe the availability of this administrative review process to challenge the action and its environmental documents. The notice of administrative review shall be published pursuant to WAC 197-11-510. All actions of the department not subject to the administrative review process defined herein, shall be subject to applicable judicial review. The department may file a notice of action as provided for in RCW 43-21C.080 for such actions.

(2) Any person aggrieved by the department's determination to proceed with an action which is subject to administrative review as provided in subsection (1) of this section without preparation of an EIS or with preparation of an EIS alleged to be inadequate shall appeal such determination administratively before seeking judicial review thereof. Appeals of procedural and substantive determinations shall be combined (for example, an appeal of the adequacy of an EIS or the necessity of preparing an EIS must be combined with an appeal of the department's decision on the proposed action).

(3) For any action subject to the administrative review process, any determination by the department (a) that it will proceed with the action without preparation of an EIS, (b) that it will proceed with the action after preparation of an EIS, or (c) that the EIS prepared by the department is adequate, shall become final unless the aggrieved party serves on the project development engineer of the department a written request for administrative review within thirty days of the date of the filing of the department's notice of administrative review as authorized by RCW 43.21C.075. Upon receipt of such a request, the department shall afford an aggrieved party a hearing in accordance with chapter 34.04 RCW and chapter 468-10 WAC relating to contested cases. In reaching a decision based upon such a hearing, procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a party wishes to obtain judicial review of the administrative review decision concerning that party, the aggrieved party shall first submit a notice of intent to do so with the responsible official of the department within the time period for commencing a judicial appeal as provided in subsection (5) of this section.

(5) As provided in RCW 43.21C.075 and WAC 197-11-680, a party desiring judicial review of the administrative review decision concerning that party shall commence such appeal within (a) ninety days of the issuance of notice of administrative review by the department pursuant to RCW 43.21C.080, or (b) thirty days after service of the final decision of the department as provided in RCW 34.04.130, whichever is later.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. 88-01-029 (Order 111), § 468-12-680, filed 12/10/87; 84-19-030 (Order 90), § 468-12-680, filed 9/14/84.]

WAC 468-12-704 Activities exempted from definition of "action." The following activities are exempted from the definition of "action" because they are nonproject actions for which approval must be obtained from a federal agency prior to implementation as provided in WAC 197-11-704 (2)(b)(iii):

- (1) National transportation studies;
- (2) Federal-aid system designations;
- (3) National functional classification of highways and determination of needs.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. 84-19-030 (Order 90), § 468-12-704, filed 9/14/84.]

WAC 468-12-800 Categorical exemptions. The following activities of the department are within the categorical exemptions contained in the indicated subsections of WAC 197-11-800:

(1) The repair, maintenance, or minor alteration of existing private or public structures, facilities or equipment, as provided in WAC 197-11-800(3), including but not limited to:

(a) Burning of weeds or brush within right of way limits;

(b) Preparation, storage, and application of sand and de-icing chemicals;

(c) Disposal and/or treatment of sewage generated on transportation department property in accordance with state and local regulations;

(d) Right of way mowings;

(e) Snow removal and avalanche control;

(f) Erosion control measures;

(g) Stormwater disposal procedures not involving significant changes in existing drainage patterns and quantities outside of transportation right of way;

(h) Street, road, rail, and airport cleaning and sweeping;

(i) Litter pickup and disposal;

(j) Removal and disposal of debris;

(k) Application of right of way fertilizer;

(l) Planting, thinning, and removal of roadside, railside, or airport vegetation as required for landscaping and maintenance purposes;

(m) Dead animal removal and disposal;

(n) Pavement burning;

(o) Maintenance and fencing of game crossings;

(p) Pit and sundry site reclamation;

(q) Waste oil disposal;

(r) Maintenance of chemical toilets;

(s) Control and disposal of roadway spills;

(t) The periodic application of approved pesticides to transportation rights of way to maintain design conditions as provided in WAC 197-11-800(24);

(u) All repair, maintenance, or minor alteration of existing transportation pavement, drainage facilities, rails, earthwork, bridges, tunnels, guardrails, railroad protective devices, signs, paths, trails, buildings, toll booths, radio and telephone equipment, air quality equipment, rest area facilities, storage facilities, pit sites, airports, and other physical features and structures within the jurisdiction of the transportation department.

(2) Adoptions or approvals of utility, transportation, and solid waste disposal rates, as provided in WAC 197-11-800(15), including, but not limited to the establishment of or changes in toll rates.

(3) Information collection and research, as provided by WAC 197-11-800(18), including but not limited to the development, adoption, and revision of transportation plans and six-year construction programs, and any other studies, plans, and programs which lead to proposals which have not yet been approved, adopted, or funded, and which do not commit the transportation department to proceed with the proposals contained therein.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. 84-19-030 (Order 90), § 468-12-800, filed 9/14/84.]

WAC 468-12-880 Exemptions for emergency actions. The emergency exemptions defined in WAC 197-11-880 include, but are not limited to, the following emergency actions taken by the department.

- (1) Issuance of emergency load restrictions on highways and bridges;
- (2) Performance of emergency protection or restoration of highways and other transportation facilities under circumstances defined in RCW 47.28.170;
- (3) Approval of funding for emergency projects;
- (4) Emergency disposal of hazardous material;
- (5) Emergency disaster maintenance;
- (6) Installation, removal, or alteration of emergency generator equipment;
- (7) Restriction of use of bridges due to structural deterioration;
- (8) Emergency removal of materials dangerous to highways, bridges, or other transportation facilities.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. 84-19-030 (Order 90), § 468-12-880, filed 9/14/84.]

WAC 468-12-904 Incorporation of chapter 197-11 WAC. (1) The provisions of chapter 197-11 WAC (SEPA guidelines adopted by the department of ecology on January 26, 1984), are hereby adopted by the department, and are incorporated in and made a part of this chapter by reference herein, to the extent that the SEPA guidelines are applicable to the programs, activities, and actions of the department.

(2) The provisions of this chapter are intended to implement the provisions of chapter 197-11 WAC, and to be consistent therewith.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. 84-19-030 (Order 90), § 468-12-904, filed 9/14/84.]

WAC 468-12-910 Designation of responsible official. The responsible official for any project or nonproject actions not described below shall be the secretary of the department. The responsible official for all project and nonproject EIS's is the project development engineer in Olympia. The responsible official for determinations of significance and determinations of nonsignificance on project actions is the district administrator in the district where the action is located.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. 84-19-030 (Order 90), § 468-12-910, filed 9/14/84.]

WAC 468-12-912 Procedures when consulted. When a request by another agency for consultation is made pursuant to the provisions of WAC 197-11-912, such request shall be referred for response to the project development office of the department in Olympia who shall coordinate the research and field investigations which may be necessary, and supervise the transmittal of the requested information to the lead agency within the time periods specified by WAC 197-11-502.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. 84-19-030 (Order 90), § 468-12-912, filed 9/14/84.]

Chapter 468-14 WAC

SMALL BUSINESSES AND MINORITY CONTRACTORS

WAC

468-14-010	General.
468-14-020	Call for bids—Limitation on contract amount.
468-14-030	Precontract preparation of plans and specifications.
468-14-040	Prequalification—Form of bid—Requirements.
468-14-050	Bonds—Withholding on monthly progress payments.

WAC 468-14-010 General. To enable a greater number of small businesses and minority contractors to compete effectively for Washington state department of transportation contracts, the secretary adopts the following rules and regulations in accordance with RCW 47-28.030 as amended by chapter 116, Laws of 1973, and by chapter 225, Laws of 1977 ex. sess.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-14-010, filed 12/20/78. Formerly WAC 252-50-010.]

WAC 468-14-020 Call for bids—Limitation on contract amount. (1) All contracts shall be awarded by competitive bidding to the extent that competitive bids are available except when delay of the work would jeopardize life or property or inconvenience the travelling public.

(2) Contracts may be awarded under these rules when the estimated cost of the work would not exceed fifty thousand dollars.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-14-020, filed 12/20/78. Formerly WAC 252-50-020.]

WAC 468-14-030 Precontract preparation of plans and specifications. All plans and specifications required for the work shall be prepared in a standard, simple and easily understood manner.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-14-030, filed 12/20/78. Formerly WAC 252-50-025.]

WAC 468-14-040 Prequalification—Form of bid—Requirements. (1) A limited prequalification questionnaire shall be required assuring only that a prospective bidder is experienced in the type of work to be performed, that all equipment to be used is adequate and functioning, and that all equipment operators are qualified to operate such equipment.

(2) No bid proposal shall be accepted from a bidder who has not submitted a limited prequalification questionnaire, unless the bidder is currently prequalified with the department of transportation.

(3) Prospective bidders shall be informed that advice and assistance relative to general bidding procedures are available in the office of the district administrator of the area where the work is to be performed.

(4) All bids shall be submitted on a standard bid proposal form.

(5) The successful bidder must comply with federal and state laws, applicable local laws and ordinances and

applicable regulations which affect the performance of the contract.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-14-040, filed 12/20/78. Formerly WAC 252-50-030.]

WAC 468-14-050 Bonds—Withholding on monthly progress payments. No bid deposit or performance bond shall be required unless specified in the specifications, but it shall be specified in the bidding proposal that, each month, the contractor may be required to submit paid invoices showing that disbursements have been made to laborers, materialmen, mechanics and subcontractors due such persons from the previous progress payment. If such disbursements have not been made, the monthly progress payment shall be withheld pending receipt of the paid invoices.

[Statutory Authority: RCW 47.28.030(2). 86-01-064 (Order 100), § 468-14-050, filed 12/17/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-14-050, filed 12/20/78. Formerly WAC 252-50-040.]

Chapter 468-18 WAC STATE AID

WAC

468-18-010	Consent by local governing body.
468-18-030	Policy governing use of county roads as haul roads on state highway projects.
468-18-040	Design standards for rearranged county roads, frontage roads, access roads, intersections, ramps and crossings.
468-18-050	Policy on the construction, improvement and maintenance of intersections of state highways and city streets.
468-18-060	Secretary of transportation to proceed with hearings under the Federal Aid Highway Act of 1956.
468-18-080	Policy governing the application of federal aid secondary funds.
468-18-090	Matching of urban arterial trust account moneys.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

468-18-070	Federal aid urban funds. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-18-070, filed 12/20/78. Formerly WAC 252-10-110.] Repealed by 81-15-060 (Order 63), filed 7/20/81. Statutory Authority: RCW 47.04.060.
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WAC 468-18-010 Consent by local governing body. Consent by local governing body . . . it is the requirement of the state department of transportation that when consent or concurrence is required of any local governing body as to any project or proposal of the state department of transportation, the local body indicate its concurrence, assent or other action regarding such project or proposal by resolution of the governing body of such authority, duly passed at a regular meeting of such body and directed to be transmitted to the state department of transportation.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-18-010, filed 12/20/78. Formerly WAC 252-10-010.]

WAC 468-18-030 Policy governing use of county roads as haul roads on state highway projects. (1) The secretary of transportation or his representative shall, at the time of the preliminary planning for any state highway project requiring the use of any county road or portion thereof as a haul road, contact the county officials and advise them that such use is contemplated.

(2) When the final plans for such project are prepared, and prior to advertising for bids, the secretary of transportation or his representative shall meet with the county officials and inform them of the full particulars regarding the intended use of the county road, including estimates of the total yardage involved and the duration of the project.

(3) Before a contract is awarded, the secretary of transportation and the county officials shall sign an agreement setting forth clearly the obligations of the state for defraying added maintenance costs for the county road involved. The agreement shall specifically set forth that the conclusions of the secretary of transportation as to the actual costs to be paid by the state shall be final and conclusive.

(4) Subsequent to the state's contractor having terminated his use of the county road and as soon thereafter as is possible the county shall submit its claim for compensation for additional maintenance and the secretary shall make such review thereof as shall be necessary to ascertain that the state will pay only that portion of the increased maintenance costs occasioned by the state's contractor's use of the county roads.

(5) A special provision in the contract shall specify that the contractor or contractors using the county road as a haul road in connection with the state project shall abide by all weight and speed laws in the operation of his or their equipment and shall be liable for any increased damage to the road by reason of his or their failure to do so.

(6) For administration purposes moneys paid pursuant to the maintenance agreement shall be included as part of the construction project.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-18-030, filed 12/20/78. Formerly WAC 252-10-030.]

WAC 468-18-040 Design standards for rearranged county roads, frontage roads, access roads, intersections, ramps and crossings. Because of the wide variety of rearranged county roads, frontage or access roads, intersections, ramps and crossings encountered by the freeway construction and relocation of other state highways, further understandings are desirable as to the jurisdiction and the responsibility between the county and state.

The policy on the construction, improvement and maintenance of intersections of state highways and county roads approved December 7, 1952 by the Washington association of county commissioners and January 14, 1953 by the Washington state highway commission has been the guide in determining the responsibility of these two agencies, and is hereby revised and updated to supersede the above stated policy.

Following are the criteria, procedure and design standards that the state department of transportation shall use in the planning for frontage roads and access roads that counties will be requested to accept as county roads and the construction of rearranged county roads, intersections, ramps and crossings:

(1) At the early stages of planning, before the right of way maps are prepared, the state and county shall review the proposed improvement.

(2) The proposed design standards shall not be less than the current "Washington state county arterial design standards," except where an individual county shall have adopted a higher design standard, in which case the higher standard shall apply.

(3) The required right of way for the proposed improvement, which shall not be less than that called for by the current "Washington state county arterial design standards," shall be either deeded to the county or the county given an easement for rights of way purposes.

(4) The proposed construction shall include all the necessary traffic control and safety devices and be signed in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways, as modified and adopted by the Washington state department of transportation, to protect the driving public.

(5) An agreement shall be negotiated between the state and county at this early stage of planning, before right of way maps are approved for each rearranged county road, frontage or access road, intersection or crossing, which shall cover the standards of construction, right of way, and outline the responsibility of each agency which shall conform to the following basic principles of maintenance responsibilities:

(a) Where an existing county road is crossed by a state highway underpass, the state will construct the underpass and necessary approaches and maintain the underpass.

The roadway to be provided for county traffic will be constructed by the state.

If illumination exists on the county road at the time of construction of the underpass, the state shall provide the necessary facilities for illuminating the county's portion of the road over the state highway and the necessary approach roadway.

If it is determined that illumination will be necessary at a later date and it will be necessary to place conduits in the structure, the state shall provide same.

The county will maintain the roadway providing for county traffic including traffic stripe, snow removal, sanding and illumination, if needed, for the county road.

(b) Where an existing county road is crossed by a state highway overpass, the state will construct the structure and necessary approach roadway and maintain the structure.

The county will maintain the entire roadway under the structure except special drainage, if needed.

The state shall provide the necessary facilities for illuminating the county's portion of the road under the structure and necessary approach roadway, unless otherwise agreed.

(c) When an existing county road is crossed at grade by a new state highway, the state will assume all costs for the construction including taper sections, acceleration and deceleration lanes and be responsible for all maintenance to the right of way line.

Stop signs after installation shall be maintained in accordance with the state statutes.

The construction and maintenance of illumination will be the responsibility of the state.

When a new county road intersects a state highway, the maintenance responsibilities will be the same as outlined above. The construction costs shall be the responsibility of the county.

(d) Whenever, because of increased traffic, heavy turning movements, accident frequency or other good cause, it becomes necessary to initiate a project for the improvement of an existing intersection not incidental to a construction project, the state and county will cooperate in the cost of the improvement in each case by mutual agreement in accordance with the following formula:

(i) Ascertain the number of legs of the intersection under the existing responsibility of each agency involved.

(ii) Ascertain the traffic volume on each leg.

(iii) Add the traffic counts on each agency's intersection legs.

(iv) The resulting percentage of the traffic volume total falling to each jurisdiction should be the relative proportion of the improvement's cost to be borne by each agency: *Provided*, That in no case shall the county's share of the total cost of the improvement exceed fifty percent of that cost.

The maintenance responsibilities will be the same as outlined above in subparagraph (c) of this subsection.

(e) When an interchange is constructed at an intersection of a state highway and county road, the ramps, structure and crossroad within the interchange area shall be maintained and reconstructed, if necessary, by the state. Illumination, if required, shall be constructed by the state and that portion located on state right of way maintained by the state or as otherwise agreed.

Traffic signals on state right of way, if required at ramp terminals, shall be constructed, operated and maintained by the state.

(f) Where it is necessary to relocate an existing county road, the state will construct the road and the county will maintain the road.

(g) If a county road or street is dead-ended, the state will construct a cul-de-sac to the county standards.

(h) When it is necessary for the state to construct service roads, landlock prevention roads or dead-end roads, which may be desirable in lieu of damages to property, the provisions of RCW 47.52.105 shall be the guide.

These roads shall be the state's responsibility unless by agreement in accordance with the procedures outlined in the policy statement, the county will accept these roads as county roads and if such an agreement is entered into, all dead-end roads shall have a cul-de-sac constructed to the county's standard.

(i) Upon completion of the construction of each rearranged county road, frontage road, access road, intersection or crossing for which an agreement has been entered into between the state and county, an inspection by the state and county road engineer shall be made to determine that all the requirements of the agreement have been fulfilled. Upon fulfillment of the agreement, the district engineer shall notify the county in writing and the county shall accept the road as a county road or assume the responsibilities as set forth in said agreement.

Within one year the state will turn over the right of way to the county for any construction accepted by the county as a county maintained road.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-18-040, filed 12/20/78. Formerly WAC 252-10-041.]

WAC 468-18-050 Policy on the construction, improvement and maintenance of intersections of state highways and city streets. (1) Legal reference. Section 61, chapter 220, Laws of 1949 provides in part as follows: ". . . ; and all such streets including curbs and gutters and street intersections and such bridges and wharves shall be constructed and maintained by the director from any state funds available therefor.

"The jurisdiction control and duty of the state and city and town with respect to said streets shall be as follows:

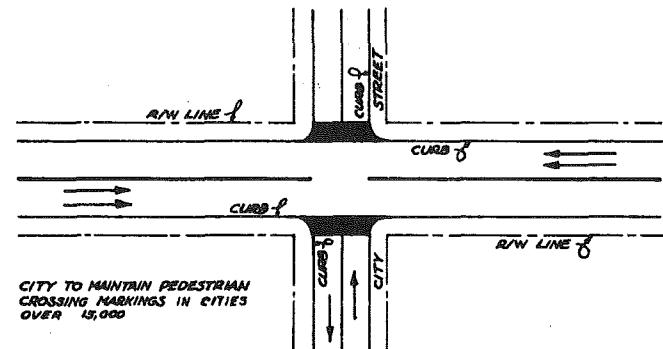
"(a) . . .

"(b) The city and town shall exercise full responsibility for and control over any such street beyond the curbs, and if no curb is installed beyond the portion used for highway purposes."

(2) The problem. The construction of partially and fully controlled limited access freeways or similarly designed state highways through cities and towns is becoming more frequent. The construction of cloverleaf and other types of interchanges makes it difficult to determine exactly which features of the interchange constitute the "street intersection" for which responsibility is established by law.

(3) The policy. After the access plan for any partial, or fully controlled limited access highway has been approved by a city or town, the state and city authorities shall negotiate an agreement establishing responsibility for construction and maintenance of the various features of each interchange. To illustrate the basic principles of these responsibilities and to serve as a guide in such negotiations, the attached sketches of typical intersections and interchanges are hereby made a part of this policy.

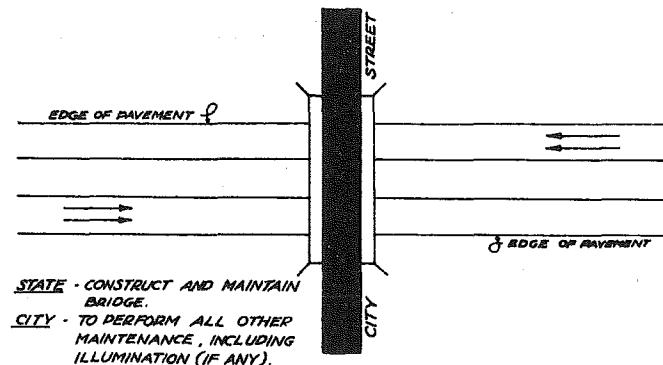
The scope of this policy does not include the roadside areas enclosed in the loops or ramps of an interchange or the slopes of cuts and fills, responsibility for which is more clearly defined by statute.



NORMAL INTERSECTION
EXISTING STATE HIGHWAY

STATE MAINTENANCE OBLIGATION SHOWN IN GREEN

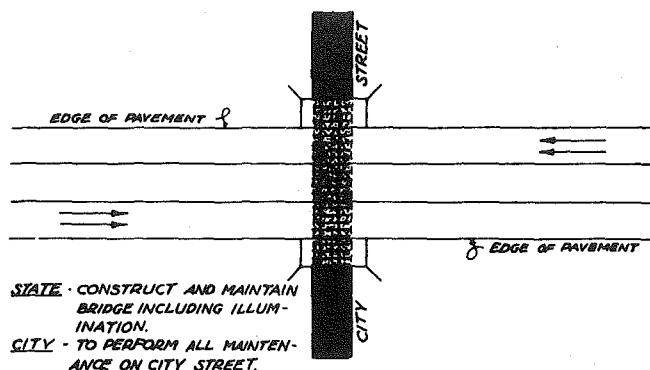
Figure 1



EXISTING CITY STREET CROSSED BY
NEW STATE HIGHWAY UNDERPASS

CITY MAINTENANCE OBLIGATION SHOWN IN RED

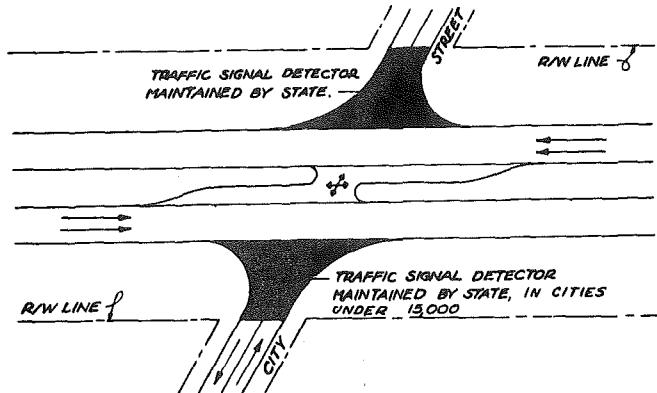
Figure 2



EXISTING CITY STREET CROSSED BY NEW STATE HIGHWAY OVERPASS

CITY MAINTENANCE OBLIGATION SHOWN IN RED ■

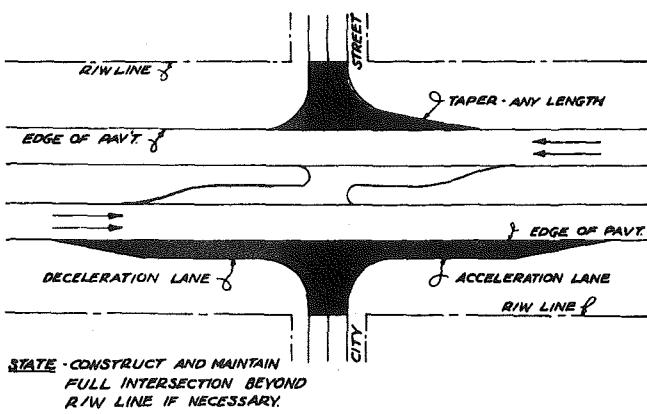
Figure 3



CHANNELIZED INTERSECTION NEW STATE HIGHWAY

STATE MAINTENANCE OBLIGATION SHOWN IN GREEN ■

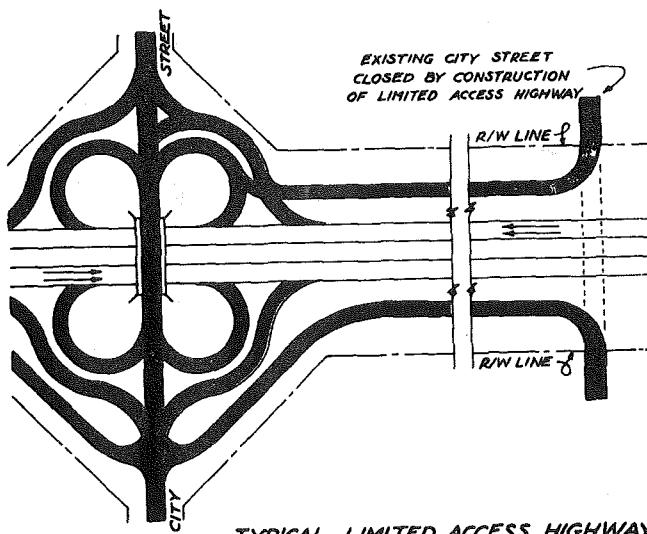
Figure 5



EXISTING CITY STREET CROSSED AT GRADE BY NEW STATE HIGHWAY

STATE MAINTENANCE OBLIGATION SHOWN IN GREEN ■

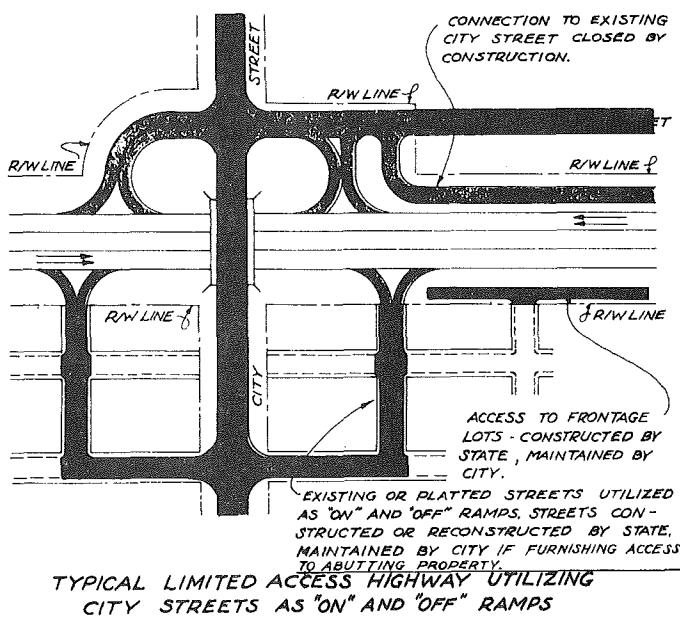
Figure 4



TYPICAL LIMITED ACCESS HIGHWAY

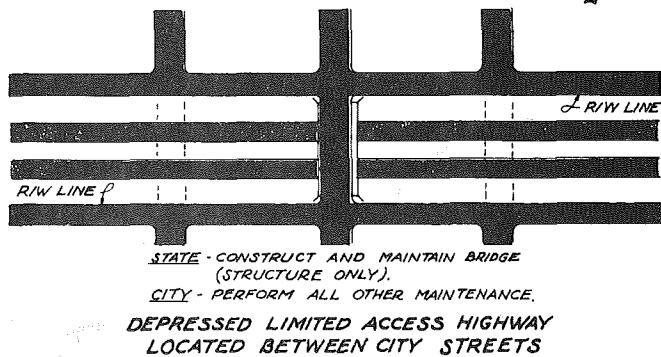
CITY MAINTENANCE OBLIGATION SHOWN IN RED ■
STATE MAINTENANCE OBLIGATION SHOWN IN GREEN ■

Figure 6



CITY MAINTENANCE OBLIGATION SHOWN IN RED ■
STATE MAINTENANCE OBLIGATION SHOWN IN GREEN ■

Figure 7



CITY MAINTENANCE OBLIGATION SHOWN IN RED ■
STATE MAINTENANCE OBLIGATION SHOWN IN GREEN ■

Figure 8

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-18-050, filed 12/20/78. Formerly WAC 252-10-050.]

WAC 468-18-060 Secretary of transportation to proceed with hearings under the Federal Aid Highway Act of 1956. The secretary of transportation is authorized to proceed with necessary hearings in connection with plans for federal aid highway projects involving the bypassing or going through any city, town or village, either incorporated or unincorporated, under the provisions of section 116(c) of the Federal Aid Highway Act of 1956 as amended.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-18-060, filed 12/20/78. Formerly WAC 252-10-105.]

WAC 468-18-080 Policy governing the application of federal aid secondary funds. (1) Two percent of the federal aid secondary funds allocated to the state of Washington shall be deducted for use for highway planning and research activities.

[Title 468 WAC—p 24]

(2) The remaining federal aid secondary funds allocated to the state of Washington shall be divided between the department of transportation and the counties as follows:

(a) Eighty percent to the counties for projects on county roads which are federal aid secondary roads;

(b) Twenty percent to the department of transportation for projects on state highways which are federal aid secondary roads.

(3) The funds allocated to the counties shall further be allocated to the individual counties based upon the ratio that each county's current federal aid secondary road mileage bears to the total miles of federal aid secondary roads for all counties in the state.

(4) After an allocation of federal aid secondary funds shall have been allotted to an individual county for a period of thirty-six months and such funds have not been obligated by the approval of the project plans, specifications and estimate, the allocation shall be withdrawn and placed to the credit of all counties which, during the two preceding calendar years, shall not have had any federal aid secondary funds forfeited. The reallocation shall be made to each eligible county based upon the ratio that its current federal aid secondary road mileage bears to the total miles of federal aid secondary roads of all the eligible counties. This provision shall be effective with respect to the allocation of federal aid secondary funds for the year 1976 and subsequent years.

(5) The distribution of federal aid secondary funds between the department of transportation and the counties and between the counties themselves as provided for in this section shall begin with the allocation of said funds to the state of Washington for federal fiscal year 1984.

(6) The department of transportation may advance federal aid secondary funds to a specific county project providing the advance will in no way affect, impair, jeopardize, or forestall the road program of any other county.

(7) Prior to advancing federal aid secondary funds to a county, the department shall receive a resolution from the county authorizing the department to withhold from the county's monthly motor vehicle fuel tax the amount advanced in monthly installments over a period not to exceed twenty-four months in the event the federal aid secondary program is discontinued.

(8) The department shall prepare guidelines in accord with the federal requirements for administration of the federal aid secondary program.

[Statutory Authority: RCW 47.01.071. 83-13-099 (Order 38, Resolution No. 192), § 468-18-080, filed 6/21/83. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-18-080, filed 12/20/78. Formerly WAC 252-10-120.]

WAC 468-18-090 Matching of urban arterial trust account moneys. Urban arterial trust account moneys for city and county arterial projects originally authorized by the urban arterial board for either the design phase or the construction phase between May 20, 1971, and July 1, 1985, shall be matched from local funds by an

amount not less than ten percent of the total cost of the construction for the life of the project.

Urban arterial trust account moneys for city and county arterial projects lying within federally designated urban areas authorized by the urban arterial board on or after July 1, 1985, shall be matched by an amount not less than twenty percent of the total cost of the construction project.

Urban arterial trust account moneys for city arterial projects lying outside federally designated urban areas authorized by the urban arterial board on or after July 1, 1985, shall be matched by not less than ten percent of the total cost of the construction project.

[Statutory Authority: RCW 47.01.071. 85-15-080 (Order 48, Resolution No. 246), § 468-18-090, filed 7/22/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-18-090, filed 12/20/78. Formerly WAC 252-10-130.]

Chapter 468-30 WAC HIGHWAY PROPERTY

WAC

468-30-010	Policy and procedure for handling assessments against state highway lands.
468-30-020	Policy for the control of irrigation waste waters encroaching upon highway rights of way.
468-30-030	Prohibition of fishing from bridges.
468-30-040	Use of space beneath limited access facilities in cities and towns.
468-30-050	Policy relative to granting and maintaining road approaches to state highway system.
468-30-060	Rental of state highway lands and improvements.
468-30-070	Procedure for transfer of abandoned state highways to counties.
468-30-075	Procedure for transfer of abandoned state highways to cities and towns.
468-30-080	Policy and procedure for sales of personality.
468-30-100	Policy relative to the installation of signs and markings on state highway rights of way.
468-30-110	Nonhighway use of airspace on state highways.
468-30-120	Surplus property sales in agricultural zoned areas.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

468-30-090	Designation of official custodian of right of way maps. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-30-090, filed 12/20/78. Formerly WAC 252-12-070.] Repealed by 81-19-053 (Order 66), filed 9/11/81. Statutory Authority: RCW 47.01.101(5).
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WAC 468-30-010 Policy and procedure for handling assessments against state highway lands. (1) The secretary of transportation is the "chief administrative officer" of the department of transportation as that phrase is applied in chapter 79.44 RCW. The secretary of transportation is also the "agency head" as that phrase is applied in chapter 82-12 WAC.

(2) Whenever real property or real property rights are acquired all interests in the real property or real property rights shall be discharged as authorized by law. If any assessing entity may in the course of its operation

assess for the maintenance, operation, or any function of the assessing entity subsequent to acquisition, the present value of those subsequent assessments shall be determined by the parties and that amount paid in exchange for a deed releasing the real property or real property interests from all subsequent assessments by the assessing entity and an order entered in the records of the assessing entity to that same effect.

(3) Whenever any assessing district as defined and provided in chapter 79.44 RCW seeks to include any real property or real property interests of the department of transportation the department shall proceed as authorized by law. If any assessing district may assess further for the maintenance, operating, or any function of the assessing district, the present value of those subsequent assessments shall be determined by the parties and that amount paid in exchange for a deed releasing the real property or real property interests from all subsequent assessments by the assessing district and an order entered in the records of the assessing district to that same effect.

(4) Whenever the department of transportation holds any real property or real property interests which are subject to future assessments by an assessing entity the present value of those subsequent assessments shall be determined by the parties and that amount paid in exchange for a deed releasing the real property or real property interests from all subsequent assessment by the assessing entity and an order entered in the records of the assessing district to that same effect.

(5) Whenever any assessing district as defined in chapter 73.44 RCW refuses to release future assessments by payment in advance, the assessments may be paid annually.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-30-010, filed 12/20/78. Formerly WAC 252-12-010.]

WAC 468-30-020 Policy for the control of irrigation waste waters encroaching upon highway rights of way. (1) When the United States bureau of reclamation or irrigation districts must permit their irrigation waste waters to encroach upon or cross highway rights of way in carrying them to a natural drainage channel or an established waterway or drainage ditch, said bureau of reclamation or irrigation districts shall request permission to do so under the provisions of chapter 47.44 RCW.

(2) Discharge of irrigation waste waters into normal highway ditches will not be tolerated. Property owners will not be permitted to carry waste waters in laterals paralleling and within highway rights of way.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-30-020, filed 12/20/78. Formerly WAC 252-12-020.]

WAC 468-30-030 Prohibition of fishing from bridges. Fishing from the following bridges on the state highway system is prohibited:

BRIDGE NO.	BRIDGE NAME AND LOCATION
District 1	
2/30	Wallace River — 11.3 miles east of Jct. SR 202, SR Mile Post 26.55
90/25	Lacey Murrow — 4.5 miles west of Jct. SR 405, SR Mile Post 5.03
District 2	
17/215	Parker Horn — 0.3 mile north of Jct. SR 171, SR Mile Post 54.24
90/220N	Moses Lake — 0.2 mile west of Jct. SR 171, SR Mile Post 175.65
90/220S	Moses Lake — 0.2 mile west of Jct. SR 171, SR Mile Post 175.65
90/225N	Pelican Horn — 0.9 mile east of Jct. SR 171, SR Mile Post 176.75
90/225S	Pelican Horn — 0.9 mile east of Jct. SR 171, SR Mile Post 176.75
97/460	Okanogan River — 6.0 miles south of Canadian Border, SR Mile Post 330.48
155/6	Upper Lewis Creek — 14.4 miles north of Jct. SR 2, SR Mile Post 14.52
155/8	Devil's Creek — 16.8 miles north of Jct. SR 2, SR Mile Post 16.83
155/10	Northrup Creek — 19.1 miles north of Jct. SR 2, SR Mile Post 19.14
District 3	
101/334	Elwha River — 8.2 miles west of Jct. SR 112, SR Mile Post 239.42
101/403	North Hamma Hamma River — 5.1 miles south of Jefferson-Mason County Line, SR Mile Post 319.72
101/404	South Hamma Hamma River — 5.3 miles south of Jefferson-Mason County Line, SR Mile Post 319.95
101/409	Lilliwaup River — 12.6 miles south of Jefferson-Mason County Line, SR Mile Post 327.24
105/104	South Bay — 1.9 miles northeast of Jct. SR 105 Westport Branch, SR Mile Post 32.20
302/105	Purdy Creek — 0.1 mile west of Jct. SR 16, SR Mile Post 19.27
District 4	
4/205	Abernathy Creek — 2.5 miles east of Wahkiakum-Cowlitz County Line, SR Mile Post 48.13
4/210	Germany Creek — 4.6 miles east of Wahkiakum-Cowlitz County Line, SR Mile Post 50.27

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-30-030, filed 12/20/78. Formerly WAC 252-12-025.]

WAC 468-30-040 Use of space beneath limited access facilities in cities and towns. See WAC 468-58-040.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-30-040, filed 12/20/78. Formerly WAC 252-12-030 and 252-20-035.]

WAC 468-30-050 Policy relative to granting and maintaining road approaches to state highway system.
(1) Approaches granted by right of way negotiation shall include in the instrument a provision that the approach shall be maintained by the grantee outside the shoulder line of the highway. This shall obtain irrespective of whether the state constructs the approach or not.

(2) Approaches granted by permit shall continue to be maintained outside the highway shoulder line by the holder of the permit.

(3) Existing structures, which have been granted under permit but which may be reconstructed by the state with the reconstruction of the highway, shall be maintained by the property owner and provision for such maintenance shall be set forth in the new permit or right of way instrument providing for the approach reconstruction. This is applicable to approaches which have developed but which are not covered by permit or right of way negotiation.

(4) Existing approaches outside the shoulder of the highway which were constructed by the state under a provision of a right of way transaction without mention of maintenance and which have previously been maintained by the state shall hereafter be maintained by the abutting property owner.

(5) Approaches to limited access highways shall be to frontage roads where provided and only to the main roadway where this is specifically intended under the plan showing access for the particular section within which the approach is located.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-30-050, filed 12/20/78. Formerly WAC 252-12-040.]

WAC 468-30-060 Rental of state highway lands and improvements. (1) All improved property acquired by the department of transportation for future transportation purposes may be rented to the occupying owner or tenant (initial displacee) for a period of up to ninety days. If the improvement is deemed unrentable or does not meet DS & S standards, there are no further rentals. The improvement is then scheduled for sale and removal or demolition. Other improvements may be rented to subsequent tenants on a month-to-month basis until the property is required by pending construction. In no event shall the property be rented to the original displacee beyond the initial ninety day period unless there are extenuating circumstances and prior written approval of the chief right of way agent.

(2) Leases and rental agreements in furtherance of the policy set forth in subsection (1) of this section and pursuant to authority contained in chapter 162, Laws of 1949, shall be negotiated by the land management branch of the department of transportation where directed by the secretary of transportation. Said division shall prepare all necessary documents to accomplish such leases and shall submit same to the secretary for

action thereon as indicated in subsection (4) of this section.

(3) The rental rates are based on the following:

(a) The rental rate is economic rent as determined by either a market data report of rentals or a written determination by appraisal.

(b) For those rentals subject to excise tax under the provisions of chapter 82.29A RCW, the tax is payable in addition to the determined rental rate.

(c) The rental rate is evaluated as economic conditions require, but no more often than once per year.

(d) Where the acquired improvement is tenant occupied, the rental rate in effect at the time of acquisition shall continue for ninety days. Thereafter the rental rate shall be economic rent. Should the tenant be paying more than economic rent, the rent is to be immediately lowered to economic rent.

(e) The rent for the first month (pay period) is calculated and adjusted to the next closest first or fifteenth day. This adjusted rent and the last month's (pay period) rent are payable upon execution of the rental agreement.

(4) Authority to approve rental agreements:

(a) All rental agreements in which the rental rate equals or exceeds the "minimum standard rental rates" of the applicable provisions of subsection (3) of this section may be approved by the secretary of transportation or his designee.

(b) The following described agreements (i) and (ii) will not be considered under the provisions of subsection (3) of this section and may be approved by the secretary of transportation.

(i) Interim possession agreements—Interim agreements will give possession to a prospective air space lessee during the period prior to the formalization and approval of an air space lease. The agreements will provide interim rental at a negotiated figure and will be terminable on thirty days' notice.

(ii) Mutual benefits possession agreements—Mutual benefits possession agreements will involve those properties where the benefits to the state will equal those derived by the lessee and will be terminable on thirty days' notice. The value of mutual benefit will be determined by the secretary or his designee.

(5) Leases and rental agreements shall be subject to termination on a maximum of sixty days' written notice, provided, that the secretary or his designee may approve time extensions in specific cases.

[Statutory Authority: RCW 47.12.120 and 47.01.101(5). 86-18-039 (Order 104), § 468-30-060, filed 8/28/86. Statutory Authority: RCW 47.12.120. 83-19-012 (Order 82), § 468-30-060, filed 9/12/83. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-30-060, filed 12/20/78. Formerly WAC 252-12-050.]

WAC 468-30-070 Procedure for transfer of abandoned state highways to counties. A public highway which is or has been a part of the route of a state highway and is no longer necessary as such may be certified to the county in which it is located in the following manner:

(1989 Ed.)

The state aid engineer shall notify the affected board of county commissioners and the county engineer of any certifications anticipated for the ensuing calendar year not later than August 1 of the previous year, so that the county may provide in its budget for the maintenance and/or reconstruction of roads which are transferred to it by the department of transportation in accordance with RCW 36.75.090.

(1) When a tentative date has been determined on which the transfer of the highway is to be made, the district engineer shall arrange for a joint maintenance inspection by representatives of the highway department and the county.

(2) The highway department shall be represented by the district state aid engineer and the district maintenance engineer or his designated representative.

(3) The county shall be represented by the county road engineer and his maintenance engineer, supervisor or designated representative.

(4) Any and all routine maintenance deficiencies which are noted at the time of this inspection shall be corrected by the district maintenance forces.

(5) Upon completion of any maintenance work deemed necessary, the district engineer shall by letter inform the county engineer to the effect that all maintenance deficiencies noted during the inspection have been corrected.

(6) The county engineer shall by letter subsequently inform the district engineer that the road or highway to be transferred is either (a) in a condition acceptable to the county, or (b) in a condition not acceptable to the county, in which case the unacceptable conditions shall be enumerated in detail.

(7) In the event that the district engineer feels that additional maintenance work is required, he shall direct such work to be done and again follow the procedure outlined in subsection (5) of this section; and the county engineer shall then follow the procedure outlined in subsection (6) of this section.

(8) In the event that it becomes impossible for the district and the county to reach agreement, a full report of the initial inspection and the apparent points of disagreement shall be transmitted to the state aid engineer, who will then consult with the state maintenance engineer and the county engineer and provide the director with all significant information and with his own recommendations.

(9) The secretary of transportation will take final action on the transfer of the road and the county shall be provided with a copy of his decision two weeks before the certification is made.

(10) After the certification has been made, the state will provide the county with all available maps, conveyances, permits, franchises and other documents which may relate to that portion of the road or highway transferred.

Maintenance is described as being the preservation and upkeep of a highway, including all of its elements, in as nearly its original, or as constructed, or as subsequently improved, condition as possible. This includes

traffic control devices and other safety control measures deemed necessary.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-30-070, filed 12/20/78. Formerly WAC 252-12-055.]

WAC 468-30-075 Procedure for transfer of abandoned state highways to cities and towns. A public highway which is or has been a part of the route of a state highway and is no longer necessary as such may be certified to the city or town in which it is located in the following manner:

The state aid engineer shall notify the affected legislative body and the city or town engineer of any certifications anticipated for the first half of July of the ensuing calendar year not later than August 1 of the previous year, so that the city or town may provide in its budget for the maintenance and/or reconstruction of roads which are transferred to it by the department of transportation in accordance with RCW 36.75.090 and 47.24.010.

(1) The department of transportation shall make such certifications between the first and fifteenth of July each year. A reasonable time prior to the certification of a highway, the district administrator shall arrange for a joint maintenance inspection by representatives of the transportation department and the city or town.

(2) The transportation department shall be represented by the district state aid engineer and the district maintenance engineer or his designated representative.

(3) The city or town shall be represented by the city or town engineer and his maintenance engineer, supervisor or designated representative.

(4) Any and all routine maintenance deficiencies which are noted at the time of this inspection shall be corrected by the district maintenance forces or by contract.

(5) Upon completion of any maintenance work deemed necessary, the district administrator shall by letter inform the city or town engineer to the effect that all maintenance deficiencies noted during the inspection have been corrected.

(6) The city or town engineer shall by letter subsequently inform the district administrator that the road or highway to be transferred is either (a) in a condition acceptable to the city or town or (b) in a condition not acceptable to the city or town in which case the unacceptable conditions shall be enumerated in detail.

(7) In the event that the district administrator feels that additional maintenance work is required, he shall direct such work to be done and again follow the procedure outlined in subsection (5) of this section; and the city or town engineer shall then follow the procedure outlined in subsection (6) of this section.

(8) In the event that it becomes impossible for the district and the city or town to reach agreement, a full report of the initial inspection and the apparent points of disagreement shall be transmitted to the state aid engineer, who will then consult with the state maintenance engineer and the city or town engineer and provide the

secretary with all significant information and with his own recommendations.

(9) The secretary of transportation will take final action on the transfer of the road and the city or town shall be provided with a copy of his decision two weeks before the certification is made.

(10) After the certification has been made, the state will provide the city or town with all available maps, conveyances, permits, franchises and other documents which may relate to that portion of highway transferred.

Maintenance is described as a program to preserve and repair a system of roadways together with its elements to ensure its designed or established structural life and operational expectancy. This includes traffic control devices and other safety control measures deemed necessary.

[Statutory Authority: Chapter 34.04 RCW. 79-09-044 (Order 35), § 468-30-075, filed 8/20/79.]

WAC 468-30-080 Policy and procedure for sales of personality. Whenever the department of transportation shall have acquired any lands, except state granted lands, upon which are located any structures, timber or other thing of value attached to the land, same may be severed from the land and sold at public auction subject to the following guidelines:

(1) Such items of value may be approved for sale at public auction or for removal by demolition under contract procedures approved by the secretary of transportation.

(2) Authorized sales of personality shall be made by the department of transportation acting through the secretary of transportation at public auction upon a date, place and hour to be set by the secretary.

(3) The authorization for sale shall include a minimum price at which any item or items may be sold.

(4) Notice of sale shall be given as follows:

(a) By publishing notice of the time and place of sale two successive times with an interval of one week between publications, in any daily or weekly newspaper of general circulation published in the county in which the sale is to take place. If there is no legal newspaper published in the county, then such notice shall be published in the legal newspaper published in this state nearest to the place of sale.

(b) The notice shall describe with reasonable particularity each item of property to be sold, shall state the location at which said property can be viewed, shall state the date, time and place at which the auction is to be held, and shall be signed by the secretary of transportation or such other person as he may designate.

(5) All items sold shall be removed from the right of way or premises of the department of transportation within a maximum period of sixty days following sale, provided, that the secretary of transportation may increase said maximum period when in his judgment it would not be practical to make such removal within sixty days.

(6) The secretary of transportation is authorized at his discretion to include as a condition of any sale a requirement that the purchaser provide a surety deposit

guaranteeing satisfactory performance in removal of the item purchased and correction of all unsightly or hazardous conditions caused by such removal, and the secretary is further authorized to determine the amount of deposit to be required.

(7) If a minimum price shall have been set and the highest bid at the auction is less than such minimum, one of the following alternative procedures shall be pursued:

(a) When time permits, the building shall be readvertised for sale at a later date and this shall be announced to the bidders immediately.

(b) If the building cannot be readvertised due to the imminence of construction, the bidders shall be advised immediately of the minimum acceptable bid and that a sale will be made to the first responsible bidder offering the minimum bid plus the required deposit.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-30-080, filed 12/20/78. Formerly WAC 252-12-060.]

WAC 468-30-100 Policy relative to the installation of signs and markings on state highway rights of way. No permits shall hereafter be issued for the installation of signs and markings other than traffic control signs and state historical markers on state highway rights of way. Traffic control signs shall be consistent with the manual on Uniform Traffic Control Devices for Streets and Highways, as modified and adopted by the department of transportation.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-30-100, filed 12/20/78.]

WAC 468-30-110 Nonhighway use of airspace on state highways. (1) Definitions:

(a) "Airspace" is that space located above, at or below the highway's established gradeline lying within the approved right of way limits.

(b) "Department" is the Washington state department of transportation.

(2) Any use of such space shall be subject to approval of the Federal Highway Administration.

(3) Any use of such space shall be subject to compliance with all applicable city, town or county zoning requirements.

(4) Any application to the department for the lease of such space shall describe in detail the use to be made of such space and the physical facilities to be installed and maintained on state right of way.

(5) The lessee shall be solely responsible and shall hold the state harmless for liability for any and all damage to persons or to public or private property that may result from or be caused by the use of such space or from the erection or maintenance of any structure or facility upon the highway right of way. The lessee shall be liable to the department for any moneys expended by it for the protection or repair of any state facility required as a result of any such use.

(6) The lessee shall be required to carry liability and property damage insurance in amounts required by the department.

(7) No use of such space shall be allowed which subjects the highway facility or the public to undue risk or impairs the use of the facility for highway purposes.

(8) Use of such space shall be covered by a properly executed airspace lease.

(9) Consideration for occupancy:

(a) Where the airspace can be developed and used as an entity the consideration shall be economic rent.

(b) Where the proposed use of the airspace is in conjunction with an abutting tract, rent shall be based on its contribution value to the abutting property but not less than economic rent.

(c) When the use of the property constitutes a highway purpose the rent may be offset in part or in whole with other valuable considerations as determined by the department.

(10) The granting of any use of such space shall be subject to the discretion of the department and upon such terms and conditions in addition to those stated herein as it shall deem proper.

(11) No assignment of any lease by the lessee shall be of any force and effect unless prior written approval of such assignment has been given by the department.

[Statutory Authority: RCW 47.01.101(5) and 47.12.120. 81-19-052 (Order 65), § 468-30-110, filed 9/11/81.]

WAC 468-30-120 Surplus property sales in agricultural zoned areas. Priority consideration shall be given to abutting property owners in agricultural zoned areas.

(1) A written notice and offer to sell shall be sent by certified mail to the abutting owner as shown on the records of the county assessor.

(2) The abutting owner shall have thirty days after receiving notice of the proposed sale to respond in writing to the department's offer to sell.

(3) If the abutting owner rejects the state's offer or does not respond in writing within the thirty-day period, the department may then dispose of the property pursuant to RCW 47.12.063.

(4) If there is more than one abutting owner, then the procedures in RCW 47.12.063 (2)(f) shall apply.

(5) Sales to abutting property owners may at the department's option be for cash or by real estate contract.

[Statutory Authority: RCW 47.12.063 and 47.01.101(5). 89-01-052 (Order 118), § 468-30-120, filed 12/15/88.]

Chapter 468-34 WAC

UTILITY LINES--FRANCHISES AND PERMITS

WAC

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WAC 468-34-010 Applications. Applications for franchises and permits submitted to the Washington state department of transportation shall conform with the following requirements:

(1) Applications shall be submitted upon forms available from the department.

(2) Applications shall include a map or suitable sketch showing all existing roads within a reasonable distance on either side of the state highway and for at least one-half mile on either end of the beginning and end of the requested franchise location.

(3) Applications shall indicate compliance with the standards as set forth in the POLICY ON ACCOMMODATION OF UTILITIES ON HIGHWAY RIGHTS OF WAY as contained in these rules and any amendments thereto.

(4) The application shall discuss alternate possibilities, especially when a location on or across a limited access facility is considered necessary. Reasons for need to adhere to location as proposed must be adequately set forth in the application.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-010, filed 12/20/78. Formerly WAC 252-04-010.]

WAC 468-34-020 Costs. (1) The applicant shall pay the reasonable cost to the department for investigating, handling and granting the franchise or permit, including but not limited to fees of hearing officers and reporters, including basic overhead charges upon the application and for providing an inspector during construction and/or maintenance of the utility facility as follows:

For each new franchise	\$500.00
For renewal of franchise	\$250.00
For amendment of franchise	\$300.00
For consolidation of franchise	\$300.00
For assignment of franchise	\$ 50.00
For each permit	\$150.00

together with an additional charge in the amount of expenses, if any, actually incurred by the department: *Provided*, That no charge shall be made for applications for franchise or permit where the applicant is the United States or any of its agencies, or a utility anticipating relocation from its private easement acquired or to be acquired by the department for construction or reconstruction of a state highway.

(2) An equitable portion of the added costs of design and construction of highway structures shall be charged to any utility company which is required to pay the costs of relocation of its facilities and/or to any utility company making new installations.

(3) Before any construction work is started, a surety bond in an amount required by the department, but not less than one thousand dollars, written by a surety company authorized to do business in the state of Washington, may be required by the department to insure completion of construction, including the restoration of surfacing, slopes, slope treatment, top soil, landscape treatment, drainage facilities and cleanup of right of way for a period ending not more than one year after date of completion, except the applicant shall be required to maintain an individual bond for a period to two years after date of completion where the utility facility disturbs the traveled lanes or usable shoulder. A blanket surety bond may be maintained covering multiple franchises or permits in lieu of individual bonds at the department's discretion. A blanket surety bond shall be in an amount of not less than ten thousand dollars.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-020, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-020, filed 12/20/78. Formerly WAC 252-04-020.]

WAC 468-34-030 Determination of need for franchise hearing. (1) Upon the filing of an application for franchise, the department shall determine whether the work involved with the franchise may:

(a) During construction, significantly disrupt the flow of traffic or use of driveways or other facilities within the right-of-way; or

(b) During or following construction, cause a significant and adverse effect upon the surrounding environment, in order to determine whether a hearing or hearing opportunity is required.

(2) If the department deems it to be in the public interest a hearing or hearing opportunity may be required for any franchise application. A hearing or hearing opportunity will normally be required for a franchise which involves any of the following:

(a) Overhead transmission lines in excess of 35 kV;

(b) Facilities involving the installation of pipe larger than eighteen inches nominal diameter;

(c) Conduits requiring an excavation wider than three feet;

(d) Pipelines carrying transmittants which are flammable, corrosive, expansive, energized or unstable and are larger than four inches nominal diameter;

(e) Pressurized carrier pipes larger than twelve inches nominal diameter;

(f) Underground installations of any size that require excavation through landscaped areas which are authorized by permit and which are maintained by owners of abutting property.

(3) The department may dispense with holding a hearing where the planned facility has already been or is the subject of environmental land use or other hearings or where the applicant presents evidence of a direct contact with owners of abutting property.

(4) Those franchise applications which the department determines warrant a hearing or hearing opportunity shall be processed in accordance with WAC 468-34-040 through 468-34-090. All other franchise applications may be approved by the department without being processed in accordance with WAC 468-34-040 through 468-34-090, including franchises previously filed but not advertised.

[Statutory Authority: Chapter 47.44 RCW and 1980 c 28. 80-13-042 (Order 58), § 468-34-030, filed 9/15/80.]

WAC 468-34-040 Franchise hearings. Arrangements for a hearing before the secretary of transportation or his designee at the earliest possible date will be made by the department on any matters with respect to which a protest has been filed. Based on written objections or disputes which the department is unable to resolve or upon which it may have a divergent recommendation, the applicant and/or affected parties will be given the opportunity to appear before the secretary or his designee in support of their requests or contentions.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-040, filed 12/20/78. Formerly WAC 252-04-040.]

WAC 468-34-050 Notice of filing. Upon the filing of application for franchise, the department shall cause notice thereof to be given in the county or counties in which any portion of the highway upon which the franchise applied for is located, at the expense of the applicant, by posting written or printed notice in a public place at the county seat of such county or counties and by publishing a like notice in two successive issues of a newspaper having a general circulation in such county or counties. The notice shall state the name of the applicant and a description of the state highway or part thereof over which the franchise application extends. The auditor of the respective county shall cause the notices to be posted and published and shall file proof of posting and publishing with the department.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-050, filed 12/20/78. Formerly WAC 252-04-045.]

WAC 468-34-060 Protests. Any person whose interests would be adversely affected by the granting of a franchise may file protests thereto. No form of protest is prescribed, but such protests shall be in writing, mailed to the department of transportation at the address listed in the notice, and to the applicant at the address stated in the application for franchise, and shall briefly state

the facts upon which such protest is based. No protest or amendment thereof shall be considered by the department unless received within fourteen days after the notice of filing has been posted and published.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-060, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-060, filed 12/20/78. Formerly WAC 252-04-050.]

WAC 468-34-070 Uncontested applications. If no protest to a franchise application is received within fourteen days after the notice of filing has been posted and published, the department may grant the franchise without further proceedings.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-070, filed 12/20/78. Formerly WAC 252-04-052.]

WAC 468-34-080 Procedure on protests. If a protest or protests to an application are filed with the department, the secretary or his designee shall, at the time for hearing such application, insofar as is practicable, state the issues raised by the protest or protests, take such other steps as it may deem necessary for complete hearing on such issues, and continue such hearing from time to time until the hearing is completed in accordance with these rules.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-080, filed 12/20/78. Formerly WAC 252-04-055.]

WAC 468-34-090 Hearing officers. The secretary may designate any qualified person as hearing officer with respect to hearings on any franchise application. Subject to later review and ruling by the secretary or his designee, such hearing officer may:

(1) Administer oaths and affirmations, examine witnesses, and receive evidence;

(2) Admit evidence which possesses probative value commonly accepted by reasonable, prudent men in the conduct of their affairs, giving effect to the rules of privilege recognized by law and excluding incompetent, irrelevant, immaterial and unduly repetitious evidence;

(3) Rule on offers of proof and receive relevant evidence;

(4) Regulate the course of the hearing;

(5) Hold conferences for the settlement or simplification of the issues by consent of the parties;

(6) Dispose of procedural requests or similar matters;

(7) Prepare the proposed order, including findings of fact and conclusions of law, disposing of such application and submit the same to the secretary or his designee for consideration.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-090, filed 12/20/78. Formerly WAC 252-04-060.]

WAC 468-34-100 Policy on accommodation of utilities on highway rights of way. This policy shall apply to all franchises and permits issued subject to chapter 47.44 RCW to all public RCW to all public, private, and

governmental utility lines that are to be located, adjusted or relocated within the rights of way of state highways other than provided for in chapter 47.24 RCW.

Nothing in this policy shall be construed as limiting the rights of the department to impose restrictions or requirements in addition to and/or deviations from those stated herein in any franchise or permit where the department deems it advisable to do so.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-100, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-100, filed 12/20/78. Formerly WAC 252-04-065.]

WAC 468-34-110 Definition of terms. Unless otherwise stated, words and phrases used herein shall have the following meaning:

(1) **Highway** – A general term denoting a street, road or public way for purposes of vehicular travel, including the entire area within the right of way.

(2) **Conventional highway** – An arterial highway without access control.

(3) **Limited access highway** – A highway upon which the rights to ingress and egress, light, view and air are controlled by law.

(a) **Full control of access** – Means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads by prohibiting crossings or direct private driveway connections at grade.

(b) **Partial control of access** – Means that the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings and some private driveway connections at grade.

(c) **Modified control of access** – Means that the authority to control access is exercised to give preference to through traffic to such a degree that most approaches, including commercial approaches, existing and in use at the time of establishment, may be allowed.

(d) **Freeway** – A fully controlled limited access highway of four or more traffic lanes with the opposing traffic lanes separated by a median strip of arbitrary width.

(4) **Frontage road** – A local street or road auxiliary to an arterial highway for service to abutting property and adjacent areas and for control of access.

(5) **Scenic route** – A highway forming a part of the scenic and recreational highway system as set forth under chapter 47.39 RCW.

(6) **Roadway prism** – That portion of the highway right of way between back of ditch, bottom of ditch, back of curbs including slopes, shoulders, pavement and a median of less than sixteen feet in width.

(7) **Roadway** – The portion of a highway including shoulders, for vehicular use. A divided highway has two or more roadways.

(8) **Median** – The portion of a divided highway separating the traveled ways for traffic in opposite directions.

(9) **Roadside** – The roadside is the area between the edge of the roadway shoulder and the right of way line and unpaved medians on multilane highways.

(10) **Rest area** – A roadside area with parking facilities separated from the roadway provided for motorists to stop and rest. It may include drinking water, toilets, tables and benches, telephones, information, and other facilities for travelers.

(11) **Viewpoint** – A roadside area provided for motorists to stop their vehicles beyond the shoulder, primarily for viewing the scenery in safety.

(12) **Right of way** – A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to highway transportation purposes.

(13) **Clear roadside policy** – The policy employed by a highway authority to increase safety, improve traffic operation and enhance the appearance of highways by designing, constructing and maintaining highway roadsides as wide, flat, and rounded as practical and as free as practical from physical obstructions above the ground such as trees, drainage structures, nonyielding sign supports, utility poles and other ground-mounted obstructions.

(14) **Encroachment** – Unauthorized use of highway right of way as for signs, fences, buildings, etc.

(15) **Restoration** – A general term denoting replacing, repairing or otherwise restoring the right of way to the same or equal conditions as before any change or construction thereon.

(16) **Franchise** – Occupancy and use document required for longitudinal occupancy of highway rights of way in accordance with chapter 47.44 RCW.

(17) **Permit** – Occupancy and use document required for an occupancy of the highway rights of way other than by franchise as provided in chapter 47.44 RCW.

(18) **Private lines** – Privately owned facilities which convey or transmit commodities as listed in WAC 468-34-100, but are devoted exclusively to the use of the owner.

(19) **Roadway structure** – The combination of sub-base, base course, and surface course placed on a sub-grade to support the traffic load and distribute it to the roadbed.

(20) **Overcrossing** – A grade separation where the subject highway passes over an intersecting highway or railroad.

(21) **Undercrossing** – A grade separation where the subject highway passes under an intersecting highway or railroad.

(22) **Backfill** – Replacement of soil around and over a pipe.

(23) **Bedding** – Organization of soil or fine gravel to support a pipe.

(24) **Overfill** – Backfill above a pipe.

(25) **Sidefill** – Backfill alongside a pipe.

(26) **Carrier** – Pipe directly enclosing a transmitted fluid (liquid or gas).

(27) **Casing** – A larger pipe enclosing a carrier.

(28) **Sleeve** – Short casing through pier or abutment of highway structure.

(29) Vent - Appurtenance to discharge gaseous contaminants from casings.

(30) Coating - Material applied to or wrapped around a pipe.

(31) Conduit or Duct - An enclosed tubular runway for protecting wires or cables.

(32) Cover - Depth of top of pipe below grade of roadway or ditch.

(33) Drain - Appurtenance to discharge accumulated liquid contaminants from casings or other enclosures.

(34) Encasement - Structural element surrounding a pipe.

(a) Jacket - Encasement by concrete poured around a pipe.

(b) Walled - Partially encased by concrete poured alongside the pipe.

(35) Gallery - An underpass for two or more pipelines.

(36) Grounded - Connected to earth or to some extended conducting body which serves as a ground instead of the earth.

(37) Manhole - An opening in an underground system which workmen or others may enter for the purpose of making installations, inspections, repairs, connections, and tests.

(38) Pipeline - A tubular product made as a production item for sale as such.

(39) Pressure - Relative internal pressure in psig (pounds per square inch gage).

(40) Slab, floating - Slab between but not contacting pipe and pavement.

(41) Trenched - Installed in a narrow open excavation.

(42) Untrenched - Installed without breaking ground or pavement surface, such as by jacking or boring.

(43) Utility service connection - A service connection from a utility's distribution or feeder line or main to the premises served.

(44) Traffic control - Those provisions necessary to safeguard the public during construction activities.

(45) Normal - Crossing at a right angle.

(46) Standard specifications for road, bridge, and municipal construction - The compilation of standard requirements for road, bridge, and municipal construction issued by the Washington state department of transportation.

(47) True line and grade - A line reasonably free from variation on both horizontal and vertical alignment.

(48) Control zone guidelines - Guidelines established to control the placement of above-ground utility facilities within the highway right of way.

(49) Major reconstruction - Upgrading the capacity of the facility and/or replacement of more than fifty percent of the poles or towers within any mile.

(50) Roadbed - The graded part of the roadway within top and side slopes, prepared as a foundation for the pavement structure and shoulders.

(51) Subgrade - The top surface of the roadbed on which subbase, base, surfacing, pavement, or layers of similar materials are placed.

(52) Utility - A term denoting electric power, communication, cable television, water, gas, oil, petroleum products, steam, chemicals, sewage, drainage, irrigation, fire or police signal systems, and similar lines. Also, the term utility includes those utility-type facilities which are owned or leased by a government agency for its own use, or otherwise dedicated solely to governmental use. The term utility does not include utility-type facilities required for the support, control, operation, and maintenance of the highway system, if they are owned and controlled by the highway authority.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-110, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151.79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-110, filed 12/20/78. Formerly WAC 252-04-075.]

WAC 468-34-120 Application of policy to various types of right of way. The applicable policy for the accommodation of utilities on various types of highways shall be in accordance with the following:

(1) **Freeways** - Accommodation of utilities shall be in accordance with "A Policy on the Accommodation of Utilities on Freeway Rights of Way" issued by the American Association of State Highway and Transportation Officials (AASHTO) 1982, and amendments thereto, and this policy.

(2) **Limited access highways** - Accommodation of utilities shall be the same as for freeways.

(3) **Conventional highways - Rural** - Accommodation of utilities shall be in accordance with this policy.

(4) **Conventional highways - Cities and towns** - Accommodation of utilities shall be in accordance with:

(a) **Underground**

(i) **Water and sewer** - The current "Standard Specifications for Road, Bridge, and Municipal Construction."

(ii) **All other facilities** - Accommodation of utilities shall be in accordance with this policy.

(b) **Overhead** - Accommodation of utilities shall be in accordance with this policy.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-120, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151.79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-120, filed 12/20/78. Formerly WAC 252-04-085.]

WAC 468-34-130 Location. (1) Utility installations should be located to minimize need for later adjustment to accommodate future highway improvements and to permit access for servicing such lines with minimum interference to highway traffic and must be located in accordance with the control zone guidelines.

(2) Longitudinal installations should be located on a uniform alignment and grade as near as practicable to the right of way line so as to provide a safe environment for traffic operation and preserve space for future highway improvements or other utility installations.

(3) Utility line crossings of the highway shall be normal to the highway center line to the extent feasible and practical. Crossings should be made on a true line and grade. Crossings entering the right of way at an angle greater than forty-five degrees from normal shall be

considered longitudinal location except crossings within public road intersections.

(4) The horizontal location shall be placed with relation to the centerline of the highway as approved by the department.

(5) The vertical location of underground utility lines shall be in accordance with the currently applicable design standard for underground utility encroachments. The vertical clearance of above ground facilities shall be consistent with the clearances as provided in WAC 468-34-290.

(6) In all cases, full consideration shall be given to visual quality, sound engineering principles, and overall economic aspects.

(7) Utility installations that are needed for a highway purpose, such as for continuous highway lighting or to serve a weigh station, rest or recreational area, are to be located and designed in accordance with the requirements of this policy.

(8) The department may restrict the number of utility service connections, and require the placement of one or more distribution lines in lieu thereof.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-130, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-130, filed 12/20/78. Formerly WAC 252-04-095.]

WAC 468-34-140 Utility tunnels and bridges. The department should ensure adequate study is made by the utility companies to anticipate their needs (present and future) for crossings and to determine if convergence of several crossings can be made to make it more feasible to use a utility tunnel or bridge.

In a combined tunnel or bridge, provision shall be made to isolate mutually hazardous transmittants such as fuels and electric energy by compartmentizing or by auxiliary encasement of incompatible carriers.

The utility tunnel or bridge shall comply in appearance, location, cover, earthwork and markers with the standards as set in the current Standard Specifications for Road, Bridge, and Municipal Construction.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-140, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-140, filed 12/20/78. Formerly WAC 252-04-105.]

WAC 468-34-150 Design. (1) The utility company shall be responsible for the design of the utility facility. The department shall review and approve the utility's plans with respect to location and the manner in which the utility facility is to be installed and measures to be taken to preserve safe and free flow of traffic, structural integrity of the roadway or highway structure, ease of highway maintenance, appearance of the highway and the integrity of the utility facility.

(2) Utility installations on, over or under the rights of way and utility attachments to highway structures shall as a minimum comply with the following standards and/or amendments thereto:

(a) Electric power and communication facilities shall conform with the currently applicable National Electric Safety Code and/or Washington State Safety Code.

(b) Water lines shall conform with the current Standard Specifications for Road, Bridge, and Municipal Construction including but not limited to:

Welded Steel Water Pipe	AWWAC201 & ASTM A 120
	AWWAC203
	AWWAC205
Reinforced Concrete Water Pipe	AWWAC300
	AWWAC301
	AWWAC302
Cast Iron Water Pipe	AWWAC106
	AWWAC108
	AWWAC111
Wrought Iron Water Pipe	ASTMA72

(c) Pressure pipeline shall conform with the currently applicable sections of Standard Code for Pressure Piping of the American National Standards Institute and applicable industry codes, including:

- (i) Power Piping, ANSI B 31.10
- (ii) Petroleum Refinery Piping, ANSI B 31.3
- (iii) Liquid Petroleum Transportation Piping Systems, ANSI B 31.4
- (iv) CFR 49, Part 192, Transportation of Natural and Other Gas by Pipeline – Minimum Federal Safety Standards

(v) Liquid petroleum pipelines shall conform with the currently applicable recommended practice of the American Petroleum Institute for Pipeline Crossings Under Railroad and Highways. (API RP 1102)

(d) Sewer pipe shall conform with the current Standard Specifications for Road, Bridge, and Municipal Construction.

(e) Drainage pipe shall conform with the current Standard Specifications for Road, Bridge, and Municipal Construction.

(3) Ground mounted utility facilities shall be of a design compatible with the visual quality of the specific highway section being traversed.

(4) All utility installations on, over, or under highway right of way and attachment to highway structures shall be of durable material designed for long service life expectancy and relatively free from routine servicing and maintenance.

(5) On new installations or adjustment of existing utility lines, provision shall be made for known or planned expansion of the utility facilities, particularly those located underground or attached to structures. They shall be planned so as to minimize hazards and interference with highway traffic when additional overhead or underground lines are installed at some future date.

(6) Government or industry codes required by law or regulation shall be followed in addition to rules and regulations referred to herein. This shall include any highway design standards which the department shall deem necessary to provide adequate protection to the highway, its safe operation, appearance and maintenance.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-150, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151. 79-

01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-150, filed 12/20/78. Formerly WAC 252-04-115.]

WAC 468-34-160 Permits and franchises. Except as provided in WAC 468-34-180, a permit or franchise shall be required for occupancy of highway right of way by utility facilities, including private lines.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-160, filed 12/20/78. Formerly WAC 252-04-125.]

WAC 468-34-170 Permits and franchises--Contents. All permits or franchises shall:

(1) Incorporate all pertinent provisions of this policy as to location, construction, traffic protection, maintenance, access restriction, preservation of visual qualities, and such special conditions as the department may deem appropriate.

(2) Generally describe the facilities to be installed as to size, type, nature and extent.

(3) Contain adequate exhibits, preferably state highway maps, depicting

(a) Existing or proposed location in relation to the highway.

(b) Existing or planned highway improvements.

(c) Right of way.

(d) Control of access and access points.

(4) Contain a summarization of the effects the installation will have on the aesthetics of the highway right of way and visible natural features.

(5) Specify the extent of liability and responsibilities associated with future adjustment of the utility facilities to accommodate highway improvements.

(6) Specify the effect of noncompliance with the conditions thereof.

(7) Contain terms which shall commit the holder to a pledge that performance of routine cutting and trimming work will be accomplished in such a manner that the roadside appearance will not be disfigured. When major work is involved, or damage to roadside appearance may become significant, the holder shall secure the approval of the department in advance of the work.

(8) Contain a certification of compliance with the control zone guidelines.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-170, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-170, filed 12/20/78. Formerly WAC 252-04-135.]

WAC 468-34-180 Accommodation where prior right. Where the utility facilities are to be adjusted to accommodate highway construction and the utility has a prior property right in its location, the department and the utility may enter into a common use agreement providing for joint occupancy of right of way consistent with the requirements of each party.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-180, filed 12/20/78. Formerly WAC 252-04-145.]

WAC 468-34-190 Pipelines--Location and alignment. (1) For all crossings, the angle of crossing should

be based on economic considerations of practical alternatives. The crossings should be as near normal to the highway centerlines as practical.

(2) Pipeline crossings should avoid deep cuts, footings of bridges and retaining walls, wet or rocky terrain or locations where highway drainage would be affected.

(3) Longitudinal installations shall parallel the highway and lie as near as practicable to the highway right of way line. Any longitudinal installation in the roadway or median, as defined in WAC 468-34-110 (7) and (8), shall be considered a variance from this policy. Any request for such a variance must demonstrate that:

(a) The installation will not adversely affect the design, construction, stability, structural integrity, traffic safety or operation of the highway.

(b) The installation, other than in the roadway or median, will create an undue hardship or financial burden by reason of terrain, geology, or environmental damage along the roadside.

(4) Trenched crossing in the roadway as defined in WAC 468-34-110(7) shall be considered a variance from this policy. Any request for such a variance shall comply with subsection (3)(a) and (b) of this section.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-190, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-190, filed 12/20/78. Formerly WAC 252-04-155.]

WAC 468-34-200 Pipelines--Cover. (1) The grade of the top of pipe within the highway right of way shall comply with the applicable Design Standard for Underground Utility Encroachment.

(2) Where less than minimum cover is made necessary to avoid obstacles, the pipe should either be rerouted or protected with a casing or concrete slab acceptable to the department.

(3) Cover for pipelines carrying transmittants which are flammable, corrosive, expansive, energized, or unstable shall not be reduced below safety limits as specified in the appropriate industry standards and specifications.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-200, filed 12/20/78. Formerly WAC 252-04-165.]

WAC 468-34-210 Pipelines--Encasement. (1) Casings shall be required for the following conditions except as may be permitted under subsection (3) of this section.

(a) Pipeline crossings under completed freeways and other controlled access highways.

(b) Pipeline crossings where casing is required by appropriate industry code or special conditions.

(c) Pressurized carrier pipes and carriers of transmittants which are flammable, corrosive, expansive, energized, or unstable.

(d) Pipeline installations where local features, embankment materials, construction methods or other conditions indicate any possibility of damage to the protective coating during installation.

(2) Casings may be required for the following conditions.

(a) As an expediency in the insertion, removal, replacement or maintenance of carrier pipe crossings of

freeways and other locations where it is necessary in order to avoid open trench construction.

(b) As protection for carrier pipe from external loads or shock, either during or after construction of the highway.

(c) As a means of conveying leaking fluids or gases away from the area directly beneath the traveled way to a point of venting at or near the right of way line or to a point of drainage in the highway ditch or a natural drainage way.

(d) Jacked or bored installations of coated carrier pipes, except where assurance is provided the department that there will be no damage to the protective coating.

(3) Casings may or may not be required for the following conditions.

(a) Pipelines relocated in advance of highway construction, including those conveying natural or other gas which meet the design, installation and cathodic protection provisions of the Minimum Federal Safety Standards, CFR 49, Part 192 may be constructed without encasement provided the department (and the pipeline officials) agree that the lines are and will remain structurally sound and operationally safe.

(b) Uncased crossings for local service connections of one inch diameter or less carrying natural or other gas which conform to the design, installation, and cathodic protection provisions of the Minimum Federal Safety Standards, CFR 49, Part 192 may be permitted on two-lane highways at those locations where the department agrees that the embankment materials and installation methods are adequate and that complete assurance is provided against damage to the protective coating of the pipe or to the roadway structure.

(c) Pipelines installed where open cutting is allowed.

(4) Casing pipes shall extend a minimum of six feet beyond the toe of fill slopes, or back of ditch line, or outside curb. The casing pipe need not be continuous on freeways with or without frontage roads; however, maintenance in the median shall not be required on a routine basis.

(5) Casing pipes shall be sealed at the ends.

(6) Casing pipes shall be designed to support the load of the highway and superimposed loads thereon and, as a minimum, shall equal the structural requirements for highway drainage facilities. Casings shall be composed of materials of sufficient durability to withstand any conditions to which they may be exposed.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-220, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-210, filed 12/20/78. Formerly WAC 252-04-175.]

WAC 468-34-220 Pipelines—Appurtenances. (1) Vents shall be required for casings, tunnels and galleries enclosing carriers of fuel where required by CFR 49, Part 192, Minimum Federal Safety Standards. Vent standpipes shall be located and constructed so as not to interfere with maintenance of the highway nor to be concealed by vegetation; preferably they should stand by a fence or on the right of way line.

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(2) Drains shall be required for casings, tunnels, or galleries enclosing carriers of liquid, liquefied gas or heavy gas. Drains may outfall into the roadway ditch or natural water course at locations approved by the department. The outfall shall not be used as a wastewater for purging the carrier unless specifically authorized by the department.

(3) Marker location and emergency information shall be conspicuously marked for all pipelines, using color if necessary to contrast with the environment. They should be provided at one end of a normal crossing, at both ends of an oblique crossing and at five hundred foot intervals along a longitudinal installation. Markers shall include pipeline identification and station; owner of the pipeline; and telephone number or other means of contact with local office. Markers may also include depth of cover, size, pressure and contents of carrier, and potential of ducted wires and cables.

(4) Manholes shall not be located in the pavement or shoulders of any access controlled highway. Manholes should be designed and located in such a manner that will cause the least interference to other utilities and future highway expansion.

(5) Automatic shut-off valves shall be installed in line at or near ends of structures, near unusual hazards, unless the hazardous segments can be isolated by other sectionalizing devices within a reasonable distance.

(6) Above-ground appurtenances shall be located to comply with the control zone guidelines.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-220, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-220, filed 12/20/78. Formerly WAC 252-04-185.]

WAC 468-34-230 Pipelines—Uncased carriers. (1) The carrier pipe shall conform to the material and design requirements of the Utility industry and government codes and specifications.

(2) The carrier pipe shall be designed to support the load of the highway plus superimposed loads thereon when the pipe is operated under all ranges of pressure from maximum internal to zero pressures.

(3) Suitable bridging, concrete slabs, or other appropriate measures as approved by the department shall be used to protect existing carrier pipes which by reason of shallow bury or location makes them vulnerable to damage from highway construction or maintenance operations.

(4) Existing carrier pipelines may remain in place without further protective measures if they are of adequate depth and do not conflict with highway construction or maintenance and provided the department (and the pipeline officials) agree that the lines are, and will remain, structurally sound and operationally safe.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-230, filed 12/20/78. Formerly WAC 252-04-195.]

WAC 468-34-240 Pipelines—Restrictions against varied use. (1) Pipeline installation requests shall specify the class of transmittant, the maximum working, test, or

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design pressures, and the design standards for the carrier.

(2) A change in the class of transmittant, or an increase in the maximum design pressure specified in the permit or franchise, shall require approval of the department. The request for the change shall specify the applicable codes to be used.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-240, filed 12/20/78. Formerly WAC 252-04-205.]

WAC 468-34-250 Pipelines--Installation. Installation or replacement of pipelines along or crossing highways shall ordinarily be controlled by end-product specifications. However, to insure safety of traffic and preservation of the earth structure supporting the pavement, any required construction shall be in accordance with the following controls:

(1) Trenched construction and backfill. The essential features for trench and backfill construction are:

(a) Restoration of the structural integrity of entrenched roadbed.

(b) Security of the pipe against deformation likely to cause leakage.

(c) Assurance against the trench becoming a drainage channel or against drainage being blocked by the backfill.

(2) Trenched construction – bedding and backfill.

(a) Trenches shall be cut to have vertical faces, where soil and depth conditions permit, with a maximum width of outside diameter of pipe plus two feet. Shoring shall comply with the department of labor and industries safety code for construction and/or as directed by the department.

(b) Bedding shall be provided to a depth of six inches or half the diameter of the pipe, whichever is least. Bedding should consist of granular material free of lumps, clods, stones, and frozen material. Bedding shall be graded to a firm but yielding surface without abrupt change in bearing value. Unstable soils and rock ledges should be subexcavated from the bedding zone and replaced with suitable material or as directed by the department. The bottom of the trench should be prepared to provide the pipe with uniform bedding throughout the length of the installation.

(c) Backfill shall be placed in two stages:

(i) Sidefill to the level of top of pipe.

(ii) Overfill to former grade surface. Sidefill and overfill shall consist of granular material laid in six-inch layers, each consolidated by mechanical tamping and controlled addition of moisture, to a density of ninety-five percent in accordance with the current Standard Specifications for Road, Bridge, and Municipal Construction. Consolidation by saturation or ponding is not permitted. Backfilling and methods of compaction should be adapted to achieve prompt restoration of traffic. Additional cutback of base and surfacing and transitioning of trench shoulders to minimize later development of sag in the grade of the pavement over the trench shall be as directed by the department.

(3) Untrenched construction shall be required on all pipeline crossings of limited access highways and:

(a) The width of untrenched construction shall extend a minimum of six feet outside the roadway prism.

(b) Pipelines installed under a highway without disturbing the surface shall be made using a technique approved by the department.

(c) The size of the opening shall not exceed five percent oversize in diameter. Backfill is required for pipes over twelve inches in diameter.

(d) Overbreaks, unused holes, or abandoned casings shall be backfilled as directed by the department.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-250, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-250, filed 12/20/78. Formerly WAC 252-04-215.]

WAC 468-34-260 Pipelines--Adjustment. (1) An existing pipeline should be relocated in plan and/or grade whenever the top of the pipe is less than the requirements of the currently applicable standard design plate for underground utility encroachments.

(2) An existing or relocated pipeline shall be encased or otherwise protected wherever such treatment normally would be required for a future pipeline at the site.

(3) An existing pipeline which would lack adequate cover for protection against vehicular live loads or highway construction operations may, in lieu of encasement, be protected by a floating slab.

(4) Notwithstanding reinforcement or protection otherwise provided, the highway construction contractor should be warned and made responsible for the security of each existing pipeline within the construction zone. Where there are unusual utility hazards and where heavy construction equipment will be needed, it should be arranged that the contractor provide an adequate temporary protective cover of earth or bridge the utility if underground.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-260, filed 12/20/78. Formerly WAC 252-04-225.]

WAC 468-34-270 Installations on highway structures. Attachment of utility lines to a highway structure may be allowed where such attachment shall conform to sound engineering considerations for preserving the highway, its safe operation, maintenance and appearance. The attachment shall be in accordance with the following:

(1) Each proposed bridge attachment should be considered on its individual merits and separately designed so as to be compatible with the appearance of the structure.

(2) Bridge attachment of a utility should not be considered unless the structure in question is of a design that is adequate to support the additional load and to accommodate the utility facility without compromise of highway features, including reasonable ease of bridge maintenance.

(3) Utility positionings on a structure which would inhibit access to any structure part for bridge painting, repair or maintenance should not be allowed. Manholes

for utility access shall not be allowed in the bridge deck on overcrossings.

(4) Attachment on a structure of a pipeline carrying a hazardous transmittant shall be avoided where practical.

(5) The utility attachment shall not effectively reduce the clearance of the structure where such clearance is critical.

(6) Generally, utility attachments should be beneath the structure's floor, between the girders or beams or within a cell and at an elevation above low superstructure steel or masonry. Attachment to the outside of the bridges should be avoided where there are reasonable alternatives.

(7) Utility mountings should be of a type which will not create noise resulting from vibration.

(8) The hole created in the bridge abutment shall be of the minimum size necessary to accommodate the utility line. The hole shall be sealed to prevent any leakage of water or backfill material.

(9) The utility line back of the bridge abutment should curve or angle out to align outside the roadbed area in as short a distance as is operationally practicable.

(10) Acceptable utility attachment methods are hangers and/or roller assemblies suspended from inserts in the underside of the bridge floor or from hanger rods clamped to the flange of some substructure member or as otherwise specified by the department.

(11) Utility construction shall conform to applicable codes, standards and specifications.

(12) The utility company shall be responsible for any restoration or repair of any portion of bridge or highway disturbed by the utility installation or use.

(13) Communication and electric power line attachments shall be suitably insulated, grounded, and carried in protective conduit or pipe from point of exit from ground to reentry. The cable shall be carried to a manhole located beyond the backwall of the structure. Carrier pipe and casing pipe shall be suitably insulated from electric power line attachments.

(14) WAC 468-34-210 shall apply to installations on structures.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-270, filed 12/20/78. Formerly WAC 252-04-235.]

WAC 468-34-280 Overhead power and communication lines—Type of construction. Longitudinal installations on the right of way should be single pole construction. Joint use single pole construction is generally desirable and should be used whenever feasible.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-280, filed 12/20/78. Formerly WAC 252-04-245.]

WAC 468-34-290 Vertical clearance. The vertical clearance for overhead power and communication lines above the highway and the lateral and vertical clearance from bridges shall conform with the National Electrical Safety Code and/or with the clearances as shown below, whichever is greater.

TYPE OF UTILITY LINE	LINES CROSSING ROADWAYS	LONGI- TUDINAL
Communications and Cable		
Television	24'	20'
Communications and/or Cable		
Television joint usage with electrical	20'	20'
ELECTRICAL		
0 – 750 volts	24'	24'
751 – 15,000 volts	30'	27'
15,001 – 50,000 volts	32'	32'
50,001 volts & over	34'	32'

(1) The minimum height of highway crossing shall be measured from the point of the roadway directly under the crossing.

(2) The minimum height of longitudinal lines shall be measured from ground line.

(3) All clearances shall be at State Electrical Construction Code Temperature and loading standards, and comply with all other requirements of this code.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-290, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-290, filed 12/20/78. Formerly WAC 252-04-255.]

WAC 468-34-300 Overhead lines—Location. (1) Pole lines must be located in accordance with the control zone guidelines.

(2) Guy wires to ground anchors and stub poles shall be located in accordance with the control zone guidelines.

(3) Where irregular shaped portions of the right of way extend beyond the normal right of way limits, variances in the location from the right of way line should be allowed as necessary to maintain a reasonably uniform alignment for longitudinal overhead and underground installations.

(4) On and along conventional highways, poles and related facilities should be located as near as practicable to the right of way line.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-300, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-300, filed 12/20/78. Formerly WAC 252-04-265.]

WAC 468-34-310 Underground power and communication lines. (1) The general controls relative to pipelines shall apply to underground installation of power and communication lines.

(2) The general controls set forth in WAC 468-34-270 relative to Installations on Highway Structures shall be followed.

(3) The design of underground installations should reflect consideration of possible future highway and/or utility enlargement.

(4) Manholes shall be designed and located in such a manner that will cause the least interference to other utilities and future highway expansion.

(5) New underground utility installations may be permitted in scenic strips, overlooks, where they will not require extensive removal or alteration of trees visible to the highway user or impair the visual quality of the lands being traversed.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-310, filed 12/20/78. Formerly WAC 252-04-275.]

WAC 468-34-320 Conversion to underground or relocation of overhead lines--Responsibility. Consistent with existing statutes and the necessity for protecting roadside appearance and removal or relocation of existing aerial lines within certain areas, the following methods of sharing cost responsibility shall pertain under various circumstances.

(1) Where an aerial utility line exists under franchise and for reasons of visual quality the department desires undergrounding or aerial relocation during the life of the franchise to serve the highway purpose, the department will pay the cost of the new facility, plus cost of removal of the old plant, less a credit for depreciation and salvage on the replaced plant.

(2) For new franchises for new utility lines where none presently exist and where the department determines on the basis of scenic classification (WAC 468-34-330) that the facilities shall be placed underground, the entire cost shall be borne by the utility.

Where a franchise is to be amended or has been renewed for the first time after the effective date (August 20, 1974) of this policy revision and the department determines on the basis of scenic classification (WAC 468-34-330) that the facility should be placed underground or relocated aerially, the cost for such undergrounding or relocation shall be borne by the utility. Such undergrounding or relocation shall occur at the time of reconstruction of the line by the utility or at a time determined by the utility within the renewal period, whichever occurs first.

(3) Within the limits of projects for highway construction where the utility occupies the right of way by right of franchise and where the department determines on the basis of scenic classification (WAC 468-34-330) that the facility should be placed underground or, based on design and/or location considerations the facility may be relocated aerially, the cost responsibilities shall be determined as follows:

(a) The utility shall be responsible for the full cost of that portion of the existing aerial facility that must be relocated within the physical limits of construction.

(b) The department will pay the cost of the new facility, plus the cost of removal of the old plant less a credit for depreciation and salvage on the replaced plant, for that portion of aerial line not physically affected by the highway construction.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-320, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-320, filed 12/20/78. Formerly WAC 252-04-280.]

WAC 468-34-330 Scenic enhancement. (1) Undergrounding requirements within scenic areas: In the interest of protection and preservation of roadside appearance and visual quality of scenic areas, the following requirements shall pertain to highway sections classified in accordance with the definitions set forth in subsection (3) of this section.

Class A and B:

Initial franchises and franchise amendments where aerial facilities are nonexistent: Installation shall be underground except as may be justified as special exceptions listed in subsection (2) of this section.

Initial franchises and franchise amendments where aerial facilities exist: An aerial facility may be allowed on existing poles with the franchise to expire on the date of the existing franchise for the aerial line. No major reconstruction of the existing pole line or construction of a new aerial facility will be allowed except as may be justified under subsection (2) of this section.

Franchise renewals of existing aerial facilities: Upon expiration of an existing franchise, one franchise renewal for a period of twenty-five years may be granted for existing aerial lines with a special provision included in the franchise requiring the utility to apply for an initial franchise, franchise amendment or franchise renewal for burial of the facility either at the time major reconstruction of the line, for that portion of line to be reconstructed, or prior to expiration of the first franchise renewal. Existing facilities may be allowed to remain aerial if justified under subsection (2) of this section.

In considering approval of aerial facilities as special exceptions under subsection (2) of this section, greater emphasis upon the justification of facilities within Class A route segments shall be given by the department as compared to those in Class B.

Class C and D:

Aerial installations within highway sections having Class C and D scenic classification are permitted.

Class AX and BX:

An aerial facility may be allowed if found acceptable to the department based on design and/or location which will not detract from scenic values typical of those defined in Classes A and B.

(2) Special exceptions: Special exceptions may be made where one or more of the following conditions exist:

Power lines of voltage in excess of 35 KV. Special design should be incorporated to minimize the visual impact of the facility.

Other utility locations are not available or are usually difficult and unreasonably costly, or are more undesirable from the standpoint of visual quality.

The placing of the utility underground is not technically feasible or is unreasonably costly.

The impact of the required undergrounding adversely affects the utility consumer rates or the long term economics of the utility.

(3) Classifications:

Class A — Superior scenic qualities: Unique settings of superior scenic quality, historic or cultural, interest

that should be protected or preserved by special treatment for heritage of others. Panoramic views from the highway of ocean beaches, scenic valleys, lake frontage, mountain forests, rivers, etc.

Class B — High scenic value: Areas where valuable scenic and environmental amenities exist and are enjoyed generally by travelers and public and deserve serious consideration for preservation and protective measures.

Class C — Secondary scenic importance: Scenic characteristics are of marginal importance.

Class D — Industrial, heavily urbanized or deteriorated areas: Industrial areas, urban settings and blighted areas which expense for beautification measures is not appropriate.

Subclass X — Alternative for Class A and B: Areas where based on design alternatives, such as configurations, color and location, an aerial facility could be allowed without changing the landscape quality.

General criteria: Classifications are to be based on the scenic values of the view from the roadway including the roadway appearance attainable after ultimate improvements within the right of way. Sections are to be of sufficient length to sustain separate distinguishable area characteristics.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-330, filed 12/20/78. Formerly WAC 252-04-285.]

WAC 468-34-340 Miscellaneous. (1) Preservation, restoration and cleanup

(a) Disturbed areas — The size of the disturbed area shall be kept to a minimum. Restoration methods shall be in accordance with the specifications and/or special provisions of the permit or franchise. Unsatisfactory restoration work shall be promptly redone by the utility. If necessary, restoration work that is not acceptable to the department, may be repaired by the department and billed to the utility company.

(b) Drainage — Care shall be taken in utility installations to avoid disturbing existing drainage facilities. Underground utility facilities should be backfilled with pervious material and outlets provided for entrapped water. Underdrains should be provided where necessary. No jetting or puddling shall be permitted under the roadway.

(c) Spraying, cutting and trimming of trees — The indiscriminate cutting of trees or disfiguring of any feature of scenic value shall not be permitted. The utility shall repair or replace in kind any tree or shrub removed or disfigured when such is not necessary for the utility installation.

(d) If chemical sprays are used to kill weeds and brush, they shall comply with currently applicable federal and state department of agriculture regulations and the following:

(i) A special permit issued by the department shall be required.

(ii) Brush and trees thirty inches or higher shall be close cut and treated with spray to kill the roots and stumps.

(iii) Brush shall be disposed of by chipping or removal from the right of way.

(iv) Brush and weeds thirty inches or less in height may be treated with a chemical spray. After the brush and weeds have died, they shall be immediately removed to prevent a serious fire hazard.

(v) The utility shall be responsible for any drift of the spray that contacts vegetation on private property adjacent to the highway.

(vi) Ingredients that are toxic to livestock, game animals or fowls shall not be used.

(e) Refuse and debris shall be disposed of to the satisfaction of the department.

(2) Safety and convenience

(a) Traffic controls including detours for utility construction and maintenance shall conform with currently applicable "Manual on Uniform Traffic Control Devices for Streets and Highways." All construction and maintenance operations shall be planned to keep interference with traffic to an absolute minimum. On heavily traveled highways construction operations interfering with traffic shall not be allowed during periods of peak traffic flow. Work shall be planned so that closure of intersecting streets, road approaches or other access points is held to a minimum. Adequate provisions shall be made to safeguard any open excavation to include barricades, lights, flagmen, or other protective devices as may be necessary.

(b) All utility facilities shall be kept in good state of repair both structurally and from the standpoint of appearance. The permit or franchise shall specify the maintenance operations which are permitted and the required notification to the department before any work is accomplished. Vehicle parking and the storage of materials on through roadways or ramps shall not be allowed.

(c) If emergency repairs are required, such repairs shall be undertaken and notice given immediately and approval as to the manner of repair secured as soon as possible. The utility shall confine its operations as much as possible to the nontraveled portion of the right of way and shall exercise caution to protect the traveling public during such repairs. Flagmen, warning lights, barricades, and signs shall be employed in accordance with currently applicable *Manual on Uniform Traffic Control Devices for Streets and Highways*, and *Manual for Emergency Traffic Control for Protection of Men and Equipment*.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-340, filed 2/10/89. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-34-340, filed 12/20/78. Formerly WAC 252-04-295.]

WAC 468-34-350 Control zone guidelines. Consistent with federal, state, or local laws or regulations all utility installations within the highway right of way shall be located in accordance with the control zone guidelines. The control zone guidelines govern the location of utilities within the right of way for the following:

(1) New installations or reconstruction.

(2) Highway projects involving safety improvements.

(3) Franchise renewal or consolidation of existing utility objects.

[Statutory Authority: Chapter 47.44 RCW. 89-05-022 (Order 119), § 468-34-350, filed 2/10/89.]

Chapter 468-38 WAC
VEHICLE SIZE AND WEIGHT—RESTRICTED HIGHWAYS—EQUIPMENT

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

468-38-380 Special permits for movement over state highways of overlegal size or weight loads—Construction equipment. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-380, filed 12/20/78. Formerly WAC 252-24-369.] Repealed by 82-18-010 (Order 31, Resolution No. 156), filed 8/20/82. Statutory Authority: RCW 46.44.090. Later promulgation, see WAC 468-38-270.
 468-38-430 Load limitation on State Route 11. [Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-430, filed 8/20/82. Formerly WAC 468-38-140. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and

Comm. Order 1, Resolution No. 13), § 468-38-430, filed 12/20/78. Formerly WAC 252-24-384.] Repealed by 86-20-030 (Order 105), filed 9/24/86. Statutory Authority: RCW 47.01.260 and 47.01.101(5).

468-38-440 Reservation of facilities for transit and carpools. [Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-440, filed 8/20/82. Formerly WAC 468-38-080 and 468-38-090. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-440, filed 12/20/78. Formerly WAC 252-24-387.] Repealed by 83-19-013 (Order 83), filed 9/12/83. Statutory Authority: RCW 34.04.010, 46.61.165 and 47.52.025.
 468-38-450 Special permits for movement over state highways of overlegal size or weight loads—Triple saddlemounts. [Statutory Authority: RCW 46.44.038. 80-04-044 (Order 14, Resolution No. 71), § 468-38-450, filed 3/20/80. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-450, filed 12/20/78. Formerly WAC 252-24-390.] Repealed by 82-18-010 (Order 31, Resolution No. 156), filed 8/20/82. Statutory Authority: RCW 46.44.090. Later promulgation, see WAC 468-38-370.
 468-38-460 Farm implements. [Statutory Authority: RCW 46.44-090. 81-15-097 (Order 24, Resolution No. 118), § 468-38-460, filed 7/22/81. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-460, filed 12/20/78. Formerly WAC 252-24-393.] Repealed by 82-18-010 (Order 31, Resolution No. 156), filed 8/20/82. Statutory Authority: RCW 46.44.090. Later promulgation, see WAC 468-38-290.

WAC 468-38-010 Three-vehicle combinations. (1) A three-vehicle combination shall consist of (a) a truck-tractor, semi-trailer and full trailer, or (b) a truck-tractor and two semi-trailers.

(2) Brakes shall be of the progressive type controlled by the foot brake and so designed that the braking effect shall start with the last axle in the combination and progress forward to the power unit.

[Statutory Authority: RCW 46.44.090. 83-16-018 (Order 39, Resolution No. 195), § 468-38-010, filed 7/25/83; 82-18-010 (Order 31, Resolution No. 156), § 468-38-010, filed 8/20/82. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-010, filed 12/20/78. Formerly WAC 252-24-010.]

WAC 468-38-020 Additional tonnage permits. A permit to carry weight in addition to that authorized by the licensed gross weight may be issued under some conditions:

(1) A single-unit truck or a truck combination must be licensed to 40,000 pounds or to 80,000 pounds respectively in order to qualify for an additional tonnage permit.

(2) The wheelbase of any group of axles must meet the requirements of the legal weight table in RCW 46.44.041. No single axle shall exceed 20,000 pounds; no pair of tandem axles shall exceed 34,000 pounds.

(3) The weight limit of 600 pounds per inch width of tire may not be exceeded.

(4) The restrictions on highway loads required by emergency conditions pursuant to WAC 468-38-080 shall apply even though an operator has an additional tonnage permit.

[Statutory Authority: RCW 46.44.090. 85-22-002 (Order 50, Resolution No. 253), § 468-38-020, filed 10/24/85; 82-18-010 (Order 31, Resolution No. 156), § 468-38-020, filed 8/20/82. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-020, filed 12/20/78. Formerly WAC 252-24-020.]

WAC 468-38-030 Issuance of additional tonnage permits. (1) Permits for annual, quarterly, monthly, or temporary additional tonnage may be issued in the department's permit offices or by agents of the department located throughout the state.

(2) Permits will be issued only to the following types of vehicles: Three or more axle full trucks; three or more axle truck-tractors; three or more axle dromedary truck-tractors, and two axle tractors to pull double trailers.

(3) Permits will not be issued to semi-trailers.

(4) The fees for additional tonnage permits shall be prorated under the following conditions and by the following method:

(a) The total cost of additional tonnage requested by the applicant for all units within the fleet shall be computed as if those fees were not subject to prorate.

(b) Those firms or individuals who license their vehicles under chapters 46.85 and 46.87 RCW shall submit a copy of their Schedule A and B that has been approved by their respective jurisdiction when applying for annual additional tonnage.

(c) The percentage of mileage operated in Washington, which is the percentage as reported for vehicle license proration, shall be multiplied by the amount in (a) of this subsection to determine the amount to be paid to the department of transportation: *Provided, however, That the minimum fee assessed for any permit shall be determined by RCW 46.44.095.*

(d) Additions to fleets may be issued additional tonnage permits and payment shall be determined by using the same method as described above: *Provided, however, That no additional tonnage permits will be issued until the vehicle or vehicles involved have been duly registered with their respective jurisdiction in accordance with chapters 46.85 and 46.87 RCW.*

(5) Quarterly or monthly additional tonnage permits may be purchased only when the applicant has purchased licensed tonnage on a quarterly or monthly basis.

(6) Temporary additional tonnage permits may be purchased when the applicant has licensed tonnage in effect for the period for which he is applying.

(7) Additional tonnage purchased on a quarterly basis may be prorated if the prorate percentage for Washington state is at least sixty percent. Temporary additional tonnage may not be prorated.

(8) If a permit to increase weight by means of a boost-a-load or similar device is requested, the applicant must produce written evidence from respective county and/or city authorities indicating approval to travel over county roads or city streets.

[Statutory Authority: RCW 46.44.090. 89-23-110 (Order 68), § 468-38-030, filed 11/22/89, effective 12/23/89; 82-18-010 (Order 31, Resolution No. 156), § 468-38-030, filed 8/20/82. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-040, filed 12/20/78. Formerly WAC 252-24-040.]

Resolution No. 13), § 468-38-030, filed 12/20/78. Formerly WAC 252-24-030.]

WAC 468-38-035 Compliance with federal bridge law. A combination of a truck-tractor and a tank trailer, dump trailer, or ocean transport container trailer may carry thirty-four thousand pounds on each set of tandem axles if the distance between the first and last axles of such consecutive sets of tandem axles is thirty feet or more and if the other requirements of RCW 46.44.041 are met.

This provision shall apply only on the interstate highway system and reasonable access to the interstate system.

This exemption shall expire on September 1, 1988.

[Statutory Authority: RCW 46.44.098. 88-01-081 (Order 65, Resolution No. 312), § 468-38-035, filed 12/21/87.]

WAC 468-38-040 Special log tolerance transportation permits. (1) Special log tolerance transportation permits shall be issued at all department of transportation permit offices or by agents of the department located throughout the state.

(2) A permit will be denied if the vehicle does not meet the axle distance requirements of RCW 46.44.047, i.e., the distance between the front axle and the last axle of the combination shall be at least 37 feet.

(3) Maximum gross weight of the combination shall not exceed 68,000 lbs. by more than 6800 lbs. gross.

(4) Maximum gross weight on tandem axles shall not exceed 33,600 lbs. on each set of tandem axles.

(5) Operators having special log tolerance transportation permits are subject to all posted road and bridge restrictions.

(6) Special log tolerance transportation permits may be transferred to the purchaser of a log truck or to another vehicle owned by the permittee. A fee of five dollars will be charged.

(7) Any approved route, previously granted, shall be subject to immediate cancellation if upon determination of the department of transportation the section of state highway involved is showing abnormal failure or overstress.

(8) When county roads or city streets are used to reach state highways, a permit for the use of such county roads or city streets is to be obtained from the proper county or city authorities.

(9) The fee for special log tolerance transportation permits may not be prorated.

[Statutory Authority: RCW 46.44.090. 89-23-110 (Order 68), § 468-38-040, filed 11/22/89, effective 12/23/89; 82-18-010 (Order 31, Resolution No. 156), § 468-38-040, filed 8/20/82. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-040, filed 12/20/78. Formerly WAC 252-24-040.]

WAC 468-38-050 Special permits for movement of overlegal size or weight loads. The department of transportation may issue permits for movement of overlegal size or weight loads when:

(1) Application has been made to the department and the applicant has shown that there is good cause for the

move, and that the applicant is capable of making the move.

(2) The applicant has shown that the load cannot reasonably be dismantled or disassembled.

(3) The vehicle, combination, or load has been dismantled and made to conform to legal limitations where practical. Reductions shall be made even though the use of additional vehicles becomes necessary.

(4) The vehicle(s) and load have been thoroughly described and identified; the points of origin and destination and the route of travel have been stated and approved.

(5) The proposed move has been determined to be consistent with public safety and the permittee has shown proof of seven hundred fifty thousand dollars liability insurance for the cost of any accident, damage, or injury to any person or property resulting from the operation of the vehicle covered by the permit upon the public highways of this state: *Provided*, That a noncommercial operator shall have at least three hundred thousand dollars liability insurance.

(6) The permittee affirms that:

(a) The vehicles have been properly licensed to make the proposed move or carry the load described in accordance with the provisions of Washington law;

(b) The drivers are properly licensed to operate in Washington in the manner proposed.

(7) The permittee will comply with all applicable rules pertaining to the issuance of any special permit.

(8) Except as provided for in RCW 46.44.140, the original permit or certified copy must be carried on the power unit at all times the permit is in effect.

[Statutory Authority: RCW 46.44.090, 89-23-110 (Order 68), § 468-38-050, filed 11/22/89, effective 12/23/89; 82-18-010 (Order 31, Resolution No. 156), § 468-38-050, filed 8/20/82. Formerly WAC 468-38-150. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-050, filed 12/20/78. Formerly WAC 252-24-050.]

WAC 468-38-060 Liability of permittee. Permits are granted with the specific understanding that the permittee shall be responsible and liable for accidents, damage or injury to any person or property resulting from the operation of the vehicle covered by the permit upon public highways of the state. The permittee shall hold blameless and harmless and shall indemnify the state of Washington, department of transportation, its officers, agents and employees against any and all claims, demands, loss, injury, damage, actions and costs of actions whatsoever, which any of them may sustain by reason of unlawful acts, conduct or operations of the permittee in connection with the operations covered by the permit.

[Statutory Authority: RCW 46.44.090, 82-18-010 (Order 31, Resolution No. 156), § 468-38-060, filed 8/20/82. Formerly WAC 468-38-160. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-060, filed 12/20/78. Formerly WAC 252-24-060.]

WAC 468-38-070 Maximums for special permits.

(1) Overwidth: 14 feet on any two-lane highway; 20 feet on any multiple-lane highway where a physical barrier

serving as a median divider separates the oncoming and opposing traffic lanes; 32 feet on any multiple lane undivided highway.

The regulations on movement of buildings are in WAC 468-38-360.

(2) Overheight: A load over 14 feet high must be moved by permit, but the permittee is to be governed by the clearance of overhead obstructions such as bridges, underpasses, wires, overhead signs and other objects. The issuance of a permit does not insure the route to be free of low overhead structures. It is the responsibility of the permittee to check the proposed route and detour when necessary. County or city road detours for this purpose require authorization from respective jurisdictions. Vehicles hauling empty apple bins may be issued permits to haul such bins up to 14 feet 10 inches high.

(3) Overlength: The permit will allow movement on routes on which the permittee can negotiate curves, interchanges, entrance and exit roadways and other obstacles. In all instances the general safety of the public is considered paramount.

(4) Overweight: 22,000 pounds on a single axle; 43,000 pounds on tandem axles. (RCW 46.44.091)

[Statutory Authority: RCW 46.44.090, 83-16-018 (Order 39, Resolution No. 195), § 468-38-070, filed 7/25/83; 82-18-010 (Order 31, Resolution No. 156), § 468-38-070, filed 8/20/82. Formerly WAC 468-38-170. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-070, filed 12/20/78. Formerly WAC 252-24-080.]

WAC 468-38-080 Emergency closure and load restrictions on state highways. (1) Pursuant to RCW 46-44.080, when the department of transportation determines that, because of emergency conditions, vehicles whose gross tire loads exceed those described in subsection (2) of this section and will damage a highway or will endanger other traffic using a highway, it shall without delay close that highway temporarily to all vehicles or to a designated class of vehicles. Notices shall be posted at each end of the closed portion of highway and at all intersecting state highways.

(2) The department shall impose load restrictions as needed by posting either of the following signs. The conditions existing at the time shall determine which schedule of emergency load restrictions will be imposed.

EMERGENCY LOAD RESTRICTIONS

CONVENTIONAL TIRES	TUBELESS OR SPECIAL WITH .5 MARKING
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Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
7.00	1800 lbs.	8-22.5	2250 lbs.
7.50	2250 lbs.	9-22.5	2800 lbs.
8.25	2800 lbs.	10-22.5	3400 lbs.
9.00	3400 lbs.	11-22.5	4000 lbs.
10.00	4000 lbs.	11-24.5	4000 lbs.
11.00	4500 lbs.	12-22.5	4500 lbs.
12.00		12-24.5	
& over	4500 lbs.	& over	4500 lbs.

SEVERE EMERGENCY LOAD RESTRICTIONS

CONVENTIONAL TIRES TUBELESS OR SPECIAL WITH .5 MARKING

Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
7.00	1800 lbs.	8-22.5	1800 lbs.
7.50	1800 lbs.	9-22.5	1900 lbs.
8.25	1900 lbs.	10-22.5	2250 lbs.
9.00	2250 lbs.	11-22.5	2750 lbs.
10.00	2750 lbs.	11-24.5	2750 lbs.
11.00		12-22.5	
& over	3000 lbs.	& over	3000 lbs.

(a) No allowance will be made for any second rear axle that is suspended from the frame of a vehicle independent of the regular driving axle, commonly known as a "rigid trail axle." Allowance will be made for single tires only on the front axle of any truck.

(b) The load distribution on any one axle of any vehicle shall be such that it will not load the tires on that axle in excess of the prescribed load listed above: *Provided*, That a truck, truck tractor, passenger bus or school bus having conventional 10:00 x 20 tires or 11:00 x 22.5 tires, or larger, may carry a maximum load of 10,000 pounds on the front axle over any state highway placed under emergency load restrictions.

(3) Permits may be issued by the department of transportation to allow the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents on such state highways as may be closed, subject to specific weight and speed restrictions as may be deemed necessary by the department of transportation.

(4) This rule shall not supersede or modify any rule in force establishing load limitations on state highway bridges.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-080, filed 8/20/82. Formerly WAC 468-38-130. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-080, filed 12/20/78. Formerly WAC 252-24-090.]

WAC 468-38-090 Loading restrictions and requirements. (1) The vehicle, combination or load must be reduced or disassembled to a practical minimum. Loads created by means of welding, bolting or tying will be construed to be reducible. Reductions shall be made even though the use of additional vehicles becomes necessary.

(2) Tracked vehicles must be loaded longitudinally upon the hauling unit.

(3) Oversized hauling units in a combination in which two trailing units exceed 68 feet or in which one trailing unit exceeds 56 feet in length, 14 feet in height, or 8 feet 6 inches in width will be authorized to be used under permit authority only when the article to be hauled cannot reasonably be dismantled or disassembled and the size of such article equals or exceeds outside dimensions of the hauling unit. Such oversize hauling units shall not

be used to haul objects which can readily be reduced or hauled within the limits of a legal vehicle or a combination of vehicles.

(4) A trailer more than 48 feet in length within a two-vehicle combination may operate by authority of a single trip permit, a thirty day permit, or an annual permit authorized by RCW 46.44.0941.

[Statutory Authority: RCW 46.44.090. 83-16-018 (Order 39, Resolution No. 195), § 468-38-090, filed 7/25/83; 82-18-010 (Order 31, Resolution No. 156), § 468-38-090, filed 8/20/82. Formerly WAC 468-38-370. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-090, filed 12/20/78. Formerly WAC 252-24-095.]

WAC 468-38-100 Escort car requirements. Escort cars are required:

(1) When vehicle, vehicles or load is over eleven feet in width, escort cars (both front and rear) are required on a two-lane highway.

(2) When vehicle, vehicles or load is over fourteen feet wide, one escort car in rear of movement is required on multiple-lane highways.

(3) When vehicle, vehicles or load is over twenty feet wide, escort cars in both front and rear of movement are required when the highway is a multiple-lane, undivided highway.

(4) When overall length of load, including vehicles, exceeds one hundred feet or when rear overhang of load measured from the last axle exceeds one-third of the total length, one escort car is required on two-lane highways. The permit may authorize a riding flagperson in lieu of an escort car.

(5) When overall length of load, including vehicles, exceeds one hundred forty feet, one rear escort car is required on multiple-lane highways.

(6) When in the opinion of the department of transportation, escort cars are necessary to protect the traveling public, for any overdimension and/or overweight move either across, upon, or along a highway.

[Statutory Authority: RCW 46.44.090. 89-23-110 (Order 68), § 468-38-100, filed 11/22/89, effective 12/23/89; 82-18-010 (Order 31, Resolution No. 156), § 468-38-100, filed 8/20/82. Formerly WAC 468-38-180. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-100, filed 12/20/78. Formerly WAC 252-24-100.]

WAC 468-38-110 Type of escort cars. (1) Escort cars must be furnished by the permittee. They may be a passenger car or a two-axle truck.

(2) Escort cars will be of such design as to afford the driver clear and unobstructed vision both front and rear. Escort cars will be in safe operational condition and properly licensed.

(3) Escort car operators must be experienced in the operation of escort vehicles, and no unnecessary passengers shall be permitted.

Pilot escort cars will travel at a distance of approximately 800-1,500 feet in front of and to the rear of the load. This distance shall be reduced in urban areas, at major intersections, and at structures less than 28 feet curb-to-curb width.

In hazardous conditions, the pilot car driver will act as a flagperson for traffic control and will signal by

hand or by radio to the towing vehicle driver when he can proceed.

(4) The driver of the rear escort car will act as flagperson when hazardous conditions exist, either in advising the driver of the tow vehicle as to clearance in turning movements or of accumulations of overtaking traffic.

As required, the rear escort car will travel far enough behind the load to provide adequate warning for overtaking vehicles and safe space between the rear escort car and the trailing unit for passing vehicles. All escort cars shall carry a minimum of three approved emergency fusees and red flags.

Pilot car operators shall be properly licensed to operate the vehicle.

(5) When uniformed off-duty law enforcement officers act as escorts, using official police cars or motorcycles, the preceding requirements shall not be applicable.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-110, filed 8/20/82. Formerly WAC 468-38-190. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-110, filed 12/20/78. Formerly WAC 252-24-110.]

WAC 468-38-120 Oversize mobile home transport regulations. (1) The purpose of this section is to supplement the provisions of chapter 468-38 WAC as they relate to the movement of mobile homes. Where conflicts with other sections of this chapter occur, the following rules apply.

(2) Definitions:

(a) "Mobile home" means all trailers of the semi-trailer type with hitch ball coupler designed as structures for human habitation which may have been subsequently adapted to other uses, which are capable of being towed upon the public highways and are more than thirty-six feet in length and more than eight and one-half feet in width.

(b) "Modular homes and sectional buildings" means any factory-built housing designed for human habitation which does not contain a permanent frame and must be mounted on a permanent foundation. Modular homes or sectional buildings with their own attached running gear which can be towed are considered to be mobile homes for purposes of this regulation. Modular homes or sectional buildings moved on legally registered trailers are subject to the provisions of chapter 46.44 RCW and the provisions of this chapter of the Washington Administrative Code regulating the movement of overlegal loads.

(c) Oversize permits may be issued to transporters, dealers or owners who shall assume full responsibility while operating under a permit. Operators of tow vehicles and others assisting in the transport must function as agents or employees of the permittee.

(d) A "unit" is a complete or irreducible part of an oversize mobile home.

(3) Oversize limits: The following regulations apply to mobile homes of semi-trailer design whose width exceeds eight and one-half feet but does not exceed fourteen feet and whose length exceeds thirty-six feet but

does not exceed seventy-five feet including tongue: *Provided*, That a fourteen foot wide unit may have an eight inch eave on one side: *And provided further*, That the mobile home shall be transported with this eave on the right side in the direction of traffic.

(4) Oversize mobile home permits may be issued as follows:

(a) Annual permits may be issued only to permittees who are qualified as dealers or manufacturers as provided in chapter 46.70 RCW or to transporters licensed as provided in chapter 46.76 RCW.

Annual permits shall apply only to transport of mobile homes fourteen feet or less in height, above level ground, while being transported.

(b) Monthly permits may be issued to dealers, manufacturers, and transporters under the same conditions as annual permits except that fourteen foot height limitations may be waived.

(c) Single trip permits may be issued to dealers, transporters and owners for a specific combination of tow vehicle and mobile home to travel from a point of origin to a prescribed destination.

(5) The permittee must have insurance in effect while operating under the permit in the minimum amounts of one hundred thousand dollars – three hundred thousand dollars public liability and fifty thousand dollars property damage. Pilot car operators shall meet the insurance requirements of RCW 46.44.180.

(6) If an accident occurs while transporting a mobile home under permit, the permittee shall immediately notify the nearest state patrol office if the damage is greater than two hundred and fifty dollars to the mobile home or greater than one hundred dollars to other vehicles or structures. Permission to continue the movement must be obtained from the state patrol.

(7) Dealers selling twelve to fourteen foot wide mobile homes must advise the prospective purchaser in writing that not all state highways are approved for the transport of twelve to fourteen foot wide mobile homes.

(8) Permits issued in accordance with the Uniform Mobile and Modular Home Transportation Regulations of WASHTO will be subject to those regulations and will be honored by the state of Washington if issued by other states.

(9) Mobile homes:

(a) Overall dimensions shall not exceed those stated in the permit except for minor protrusions not to exceed two inches, such as door and window hardware. Eaves will be included in the measurement of maximum width. All dimensions shall be reduced to the practical minimum. Mobile homes having a single eave overhang along their length will be transported to allow for safe passing distances.

(b) The complete system of the mobile home, including running gear assembly, shall comply with the rules and regulations adopted by the United States Department of Housing and Urban Development (24 CFR 280 (1976) and as thereafter amended). Tires shall comply with applicable Federal Motor Carrier Safety Regulations, Title 49, chapter 111. Those mobile homes not

certified as qualifying to the minimum H.U.D. specifications shall have brakes on at least two axles and on four wheels. Units of sixty feet or more in length shall have at least three full axles, except that twelve-foot wide mobile homes manufactured prior to November 1, 1970, may be moved with a minimum of two axles. The brakes shall be under the control of the driver from the cab of the towing vehicle, and shall be adequate to control the mobile home and its load. They shall be so designed and connected that they shall automatically apply in case of accidental breakaway from the towing vehicle. A wet-cell or approved battery with a full charged rating of twelve volts will be installed in the mobile home to actuate electric brakes in the event of a breakaway. The minimum track width between two wheels on the same axle shall be eight feet. Track width shall be measured from the outer edges of the road bearing tread of tires on a single axle. Tires shall have no signs of separation or excessive aging and shall be inflated to the maximum recommended tire pressure and have tread depth no less than 3/32nd inch in any part of tire contacting the road. Recapped or retreaded tires are not allowed. Minimum combined load rating of mobile home tires must be in excess of their in-transit load. Axles and wheels must be properly aligned to minimize wear and overheating of tires.

(c) The open side of half sections of mobile homes shall be covered in such a way as to prevent billowing of the covering material.

(d) Furnishings or loose objects within the mobile home shall be secured in positions to achieve proper weight and balance.

(10) Tow vehicles:

(a) Tow vehicles shall comply with the following minimum requirements:

Mobile Home Width to be Towed	Drive Axle	Gross Curb Weight	(1) Rear Axle Weight	Rear Axle Rating
	Tire Width	Tire Rating		
Over 8 1/2' to 10'	7.00"	6 ply	(2)	6,000# (2)
Over 10' to 12'	8.00"	8 ply	35,000(3)	8,000# 15,000#
Over 12' to 14'	8.25"	10 ply	35,000#	9,000# 15,000#

(1) Includes fuel and accessories prior to hook-up with mobile home.

(2) Not required.

(3) May be waived for older vehicles.

(b) Conventional or cab-forward configuration shall have a minimum wheelbase of one hundred twenty inches. Cab-over engine tow vehicles shall have a minimum wheelbase of eighty-nine inches. Tow vehicles shall have a minimum 4-speed transmission. Power shall be sufficient to meet the requirements listed.

(c) Electrical brake controls, wiring and connections to mobile home brake systems will be capable of producing rated voltage and amperage at the mobile home brake magnets in accordance with the mobile home brake manufacturer's specifications.

(11) Signs and flags: In addition to the requirements of WAC 468-38-190, the OVERSIZE LOAD sign will be attached horizontally on the rear of the trailer home with the bottom edge between five and seven feet above the road surface. Sign material shall be impervious to

moisture, clean and mounted with adequate supporting anchorage to provide legibility at all times.

(12) Lights: In addition to provisions of WAC 468-38-170, six-inch diameter flashing amber lights with a minimum of thirty-five candle power shall be mounted on the upper outer edges of the rear of the trailing unit. They shall be operated with a flashing cycle of sixty to one hundred twenty times per minute during transit. Wiring and connections shall be in good working order.

(13) Travel speeds for mobile homes shall be as set forth in WAC 468-38-340.

(14) Mobile homes traveling in rural areas shall maintain adequate spacing of at least one-half mile between any two mobile home units. All units shall maintain a minimum distance of from four hundred to five hundred feet behind any truck, truck-tractor or trailer which could impair the visibility of an overtaking vehicle.

(15) The mobile home unit shall be operated in the right lane except when passing. On two-lane highways, units shall not pass other vehicles except when required to pass a vehicle being operated at a speed so slow as to hinder the safe flow of traffic.

(16)(a) A decal issued by the county treasurer shall be displayed on any mobile or modular home being transported on public highways in this state. The decal is not required if one of the following conditions is met:

- (i) When a mobile home is to enter the state;
- (ii) When a mobile home is being moved from the manufacturer or distributor to a retail sales outlet;
- (iii) When a mobile home is being moved from the manufacturer or distributor to a purchaser's designated location; or
- (iv) When a mobile home is being moved between retail sales outlets.

(b) The county treasurer's decal shall be displayed on the rear of the mobile home while in transport. It shall be issued at the same time as the tax certificate for mobile home movement. If the tax certification is for a double-wide mobile home, two mobile home movement decals shall be issued.

(c) The decal shall meet the following requirements:

- (i) It shall be at least eight and one-half inches square.
- (ii) It shall be printed on Appleton Radiant Fluorescent Bristol (weight .010) or paper of comparable quality.
- (iii) It shall be of fluorescent orange color.

(iv) It shall show the make, model and serial number of the mobile home, the date issued, the name of the transporter, the transporter's WUTC permit number if required, the department of transportation special motor vehicle permit number, and the name of the county issuing the decal.

(v) It shall display in readily legible script the expiration date of the decal, which shall be not more than fifteen days after the date the decal is issued.

(d) Mobile home movement decals may not be transferred.

[Statutory Authority: RCW 46.44.090. 87-20-040 (Order 62, Resolution No. 307), § 468-38-120, filed 10/1/87; 86-21-115 (Order 58,

Resolution No. 286), § 468-38-120, filed 10/21/86. Statutory Authority: RCW 46.44.170. 85-22-003 (Order 51, Resolution No. 254), § 468-38-120, filed 10/24/85. Statutory Authority: RCW 46.44.090. 83-16-018 (Order 39, Resolution No. 195), § 468-38-120, filed 7/25/83; 82-18-010 (Order 31, Resolution No. 156), § 468-38-120, filed 8/20/82. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-120, filed 12/20/78. Formerly WAC 252-24-150.]

WAC 468-38-130 Lights—Stop and turn signals. Permits will be issued to move only vehicles equipped with brake lights and turn signals as required by RCW 46.37.200.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-130, filed 8/20/82. Formerly WAC 468-38-410. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-130, filed 12/20/78. Formerly WAC 252-24-200.]

WAC 468-38-135 Transportation of radioactive or hazardous materials. Under provision of chapter 47.48 RCW, the chief of the Washington state patrol or the secretary of transportation or their designees may close a section (or sections) of highways of the state to transporters of placarded radioactive or hazardous cargo because of weather or other conditions that create a substantial risk to public safety. The department of transportation and Washington state patrol shall exchange notices of conditions requiring the closure of the highway and when conditions enable the closure to be terminated. The Washington state patrol or department of transportation shall manually control traffic until the closure is terminated or, if appropriate, until the time the department of transportation installs traffic control devices related to the closure. The Washington state patrol shall provide notice of both the imposition and lifting of the closure to placarded transporters through notices to news media, affected local law enforcement agencies, and other appropriate organizations, both public and private.

[Statutory Authority: RCW 47.01.270, 47.48.010 and 47.48.050. 84-05-045 (Order 89), § 468-38-135, filed 2/21/84.]

WAC 468-38-140 Flags. All flags shall be clean, bright red flags at least 12 inches square. They shall be displayed so as to wave freely on all four corners of overwidth objects and at the extreme ends of all protrusions, projections, or overhangs.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-140, filed 8/20/82. Formerly WAC 468-38-200. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-140, filed 12/20/78. Formerly WAC 252-24-210.]

WAC 468-38-150 Flagpersons. (1) The flagperson shall be an employee or an agent of the permittee, shall be at least eighteen years of age, and shall have a red flag at least 12 inches square mounted on a staff. The flagperson may ride in the cab of the motor vehicle operating under permit or in another vehicle. One flagperson may not be assigned to two or more simultaneous moves.

(2) The flagperson shall dismount and direct traffic at all locations where traffic may be obstructed, or when it

is necessary to infringe on the opposing traffic lane because of breakdown or other cause. The flagperson shall warn traffic through the use of the red flag of the approaching load at danger points such as bridges, tunnels, and sharp corners where the operator of the vehicle or vehicles plans to turn.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-150, filed 8/20/82. Formerly WAC 468-38-210 and 468-38-220. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-150, filed 12/20/78. Formerly WAC 252-24-300.]

WAC 468-38-160 Side mirrors for overwide loads. Side mirrors shall be so mounted on vehicles hauling overwide loads that the driver can see the highway for a distance of two hundred feet directly to the rear of the driver's side of the vehicle. Escort vehicles may be used in lieu of this distance requirement.

All escort vehicles must be equipped with outside rear-view mirrors on each side of the vehicle to provide vision to the rear to ensure that the movement is progressing safely.

[Statutory Authority: RCW 46.44.090. 89-23-110 (Order 68), § 468-38-160, filed 11/22/89, effective 12/23/89; 82-18-010 (Order 31, Resolution No. 156), § 468-38-160, filed 8/20/82. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-160, filed 12/20/78. Formerly WAC 252-24-303.]

WAC 468-38-170 Amber lights on escort vehicles. Two 4 inch minimum flashing amber lights or a single rotating amber flashing beacon will be displayed above the roof line of car escorts and plainly visible. The amber lights used for these purposes shall meet SAE Standard Specification (SAE J-59 5b), "Flashing Warning Lamps for Authorized Emergency, Maintenance and Service Vehicles." These amber lights will operate at all times during movement of oversize unit.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-170, filed 8/20/82. Formerly WAC 468-38-230. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-170, filed 12/20/78. Formerly WAC 252-24-306.]

WAC 468-38-180 Brakes. (1) Every motor vehicle or combination of motor drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material, upon application of the service brake, within a distance of 50 feet decelerating from 20 miles per hour.

(2) Permits will not be issued to equipment "in tow" without brakes unless a three axle truck with a minimum unladen weight of 15,000 pounds is employed as the power unit and is equipped with sufficient power and brakes to control at all times the vehicle being towed, in accordance with subsection (1) of this section.

(3) All vehicles must meet the requirements of chapter 46.37 RCW relating to brakes unless it is specifically stated on the permit that the vehicle is exempted from these requirements.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-180, filed 8/20/82. Formerly WAC 468-38-400. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10

and Comm. Order 1, Resolution No. 13), § 468-38-180, filed 12/20/78. Formerly WAC 252-24-309.]

WAC 468-38-190 Signs. OVERSIZE LOAD signs (at least 5 feet wide and 10 inches high with 1 inch stroke on yellow background) will be mounted on the front of the towing vehicle and on the rear of the load or trailing unit and above the roof line of escort cars a minimum of five feet above the roadway surface measured from the bottom of the sign. If the nature of the towing vehicle or load is such that the sign cannot be mounted five feet above the roadway surface, it shall be placed above the front bumper or as high as practicable on the vehicle or load. Such signs are to be displayed only when the unit is in transit and must be removed or retracted at all other times. Such signs shall be clean and clearly legible at a distance of five hundred feet during clear weather.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-190, filed 8/20/82. Formerly WAC 468-38-240. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-190, filed 12/20/78. Formerly WAC 252-24-312.]

WAC 468-38-200 Safety chains and devices. Special permits will not authorize the operation of any vehicle upon the public highways of this state without having the load thereon securely fastened and protected by safety chains or other load securing device pursuant to the Code of Federal Regulations, Title 49, part 393.100. Dragging of load on the roadway will not be permitted. Vehicles with a boom or structural erection member attached thereto must have the boom or member secured in such a manner that it will not elevate or sway in transportation.

[Statutory Authority: RCW 46.44.090. 89-23-110 (Order 68), § 468-38-200, filed 11/22/89, effective 12/23/89; 82-18-010 (Order 31, Resolution No. 156), § 468-38-200, filed 8/20/82. Formerly WAC 468-38-420. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-200, filed 12/20/78. Formerly WAC 252-24-315.]

WAC 468-38-210 Two-way radio. Both towing unit and escort vehicles shall be equipped with two-way radio facilities, licensed under federal communications commission regulations, adequate to provide reliable voice intercommunication between the drivers thereof at all times during which the oversize unit is in motion. The radio contact shall be capable of being sustained over a distance of at least one-half mile under conditions normally encountered along the route. The selected radio channel shall be continuously monitored by the drivers of the towing unit and the escort vehicle(s) at all times the oversize unit is in motion.

For the purpose of this requirement, radios designed for use under Federal Communications Commission Rules, Part 15, subpart E — low power communications devices, will not be considered acceptable.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-210, filed 8/20/82. Formerly WAC 468-38-250. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-210, filed 12/20/78. Formerly WAC 252-24-318.]

WAC 468-38-220 Moves in convoy. Vehicles traveling under permit authority requiring pilot cars may not travel in convoy, unless they are moving farm implements.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-220, filed 8/20/82. Formerly WAC 468-38-360. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-220, filed 12/20/78. Formerly WAC 252-24-321.]

WAC 468-38-230 Days on which permit movements are prohibited. Oversize movements are prohibited on Fridays after 3:00 p.m. and after 12:00 noon on Sundays. Overlegal movements are allowed all day on Saturday. Overlegal movements are prohibited on the holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and during the afternoon of the day preceding said holidays. Should any of the holidays fall on a Saturday or Sunday, the preceding Friday or the following Monday shall be considered such holiday.

Movements may be made on holidays that are not universally observed, provided they do not conflict with the policy for Fridays and Sundays, e.g., Lincoln's Birthday, Washington's Birthday, Columbus Day, Veterans' Day and General Election Day.

[Statutory Authority: RCW 46.44.090. 89-23-110 (Order 68), § 468-38-230, filed 11/22/89, effective 12/23/89; 82-18-010 (Order 31, Resolution No. 156), § 468-38-230, filed 8/20/82. Formerly WAC 468-38-260. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-230, filed 12/20/78. Formerly WAC 252-24-324.]

WAC 468-38-235 Commuter traffic restrictions. Movement by special permit will be prohibited on urban sections of state highways in the vicinity of cities having a population of more than 15,000 and other sections of state highways having excessive volumes during the morning and evening commuting hours. The department shall prescribe specific hours and regulations for oversize movements in and adjacent to Seattle, Tacoma, Spokane, Everett, Vancouver and other areas as deemed necessary. Movement of empty equipment trailers up to ten feet wide may be allowed during such hours on a trip to pick up or from delivering over-wide loads.

[Statutory Authority: RCW 46.44.090. 84-04-011 (Order 40, Resolution No. 210), § 468-38-235, filed 1/20/84; 82-18-010 (Order 31, Resolution No. 156), § 468-38-235, filed 8/20/82. Formerly WAC 468-38-300.]

WAC 468-38-240 Cargo prohibition on reversible lane roadways. Trucks carrying flammable liquid cargoes are prohibited from using the reversible lanes on SR 5, Seattle freeway, between James Street and 110th Street N.E. The term "flammable liquid" as applied to this rule shall be as defined in RCW 46.04.210.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-240, filed 8/20/82. Formerly WAC 468-38-070. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-240, filed 12/20/78. Formerly WAC 252-24-327.]

WAC 468-38-250 Days on which permits are issued. Permits may be purchased at any authorized department of transportation office or agency Monday through Friday during normal business hours. Permits are not available on Saturdays, Sundays, or legal holidays. Permits may be purchased at ports of entry on the interstate highway system twenty-four hours a day, seven days a week, excluding legal holidays.

[Statutory Authority: RCW 46.44.090. 89-23-110 (Order 68), § 468-38-250, filed 11/22/89, effective 12/23/89; 82-18-010 (Order 31, Resolution No. 156), § 468-38-250, filed 8/20/82. Formerly WAC 468-38-270. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-250, filed 12/20/78. Formerly WAC 252-24-330.]

WAC 468-38-260 Night-time movements. Special permits will authorize overlegal movements only during daytime hours under normal atmospheric conditions, except that movements up to ten feet wide may be made by permit at night on fully controlled access highways. Those oversize loads that are allowed to move at night shall have lighting equipment as required by the Code of Federal Regulations, Title 49, part 393.18. No movements shall be made when visibility is reduced to less than one thousand feet or when hazardous roadway conditions exist. Daytime means from one-half hour before sunrise to one-half hour after sunset. Night-time means any other hour. It shall be the responsibility of the permittee to discontinue movement and remove the unit from the highway when any of the above conditions exist which could create an unsafe movement.

[Statutory Authority: RCW 46.44.090. 89-23-110 (Order 68), § 468-38-260, filed 11/22/89, effective 12/23/89; 82-18-010 (Order 31, Resolution No. 156), § 468-38-260, filed 8/20/82. Formerly WAC 468-38-290. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-260, filed 12/20/78. Formerly WAC 252-24-333.]

WAC 468-38-270 Construction equipment. Pursuant to RCW 46.44.091(3), permits may be issued to move equipment on approved highways whose single axle weight is not more than 45,000 pounds if operating on single pneumatic tires having a rim width of 20 inches or more and a rim diameter of 24 inches or more. If the vehicle has dual pneumatic tires, the rim width shall be at least 16 inches and the rim diameter shall be at least 24 inches.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-270, filed 8/20/82. Formerly WAC 468-38-380. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-270, filed 12/20/78. Formerly WAC 252-24-336.]

WAC 468-38-280 Special equipment. Special equipment employing axle groupings other than the conventional single or tandem axle must first be approved by the department before permits will be granted authorizing the unit to operate on state highways.

A retractable axle carrying weight allowed under RCW 46.44.041 shall have a manufacturers rating of at least 10,000 pounds, shall be self-steering, and shall have the capacity to be activated only from outside the driver's compartment: *Provided*, The requirement that

controls be activated only from outside the driver's compartment shall not apply to existing trucks, presently equipped with hydraulically loaded lift axles which presently can be activated inside the driver's compartment.

[Statutory Authority: RCW 46.44.090. 85-22-002 (Order 50, Resolution No. 253), § 468-38-280, filed 10/24/85; 82-18-010 (Order 31, Resolution No. 156), § 468-38-280, filed 8/20/82. Formerly WAC 468-38-390. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-280, filed 12/20/78. Formerly WAC 252-24-339.]

WAC 468-38-290 Farm implements. (1) Farm implement means any device that directly affects the production of agricultural products. For purposes of this section, it must weigh less than forty-five thousand pounds. It must move on pneumatic tires when on public highways and must be less than twenty feet wide.

Spray rigs including fertilizer or chemical applicator rigs or equipment auxiliary to any of these rigs are farm implements.

(2) Permits: Farm implements less than fourteen feet wide do not require a special permit for movement on state highways other than fully controlled limited access highways.

A quarterly or annual permit to move farm implements may be purchased by a farmer or by a person engaged in the business of selling or maintaining farm implements. Such a permit or copy will allow the person or company identified on the permit to draw, drive, or haul any farm implement on state highways.

(3) Movements of oversize farm implements are subject to the following regulations:

(a) An unescorted farm implement shall travel at least five hundred feet behind other vehicles so as to allow other drivers to pass.

(b) If five or more vehicles line up behind a farm implement, the operator of the farm implement shall pull off the road at the first point wide enough to allow traffic to pass safely.

(c) Oversize farm implements may be moved only during daylight hours. Such movements are prohibited at the times and on those days listed in WAC 468-38-230.

The department may permit movements outside daylight hours during an emergent harvest season to a company or farmer who requests and receives permission in writing. Pilot cars are required for such movements as prescribed in subsection (4)(c) of this section.

(d) Convoying with pilot cars may be used to move farm implements. Two-way radio equipment shall be provided to the pilot cars.

(e) Lights: Requirements for hazard warning lights visible from one thousand feet, clearance lights, reflectors, and other lights shall be as prescribed in RCW 46.37.160.

(4) Flags, signs, and escorts are required for the movement of farm implements as follows:

(a) Flags: If the farm implement is over eight and one-half feet wide, it must display red flags at least twelve inches square so as to wave freely on all four corners of the vehicle and at the extreme ends of all protrusions, projections, or overhangs.

(b) Signs: If the farm implement is over eight and one-half feet wide, OVERSIZE LOAD signs visible to oncoming and overtaking traffic must be displayed. These signs must meet the requirements of WAC 468-38-190. A farm implement preceded and followed by pilot cars is not required to display such signs.

(c) Escort cars: On two-lane state highways, escort cars must precede and follow if the farm implement is over twelve and one-half feet wide. Vehicles or loads whose width is between ten and twelve and one-half feet are exempt from having escort cars only when operating within fifty miles of the business owning the equipment.

On multiple-lane state highways, one escort car in the rear is required if vehicle or load is more than fourteen feet wide.

Other requirements for escort cars and their operation are prescribed by WAC 468-38-110.

When approval to use a flagperson instead of an escort vehicle is given, the permit shall specifically state that exemption.

(d) Posting a route may be used in lieu of escort cars if the route to be traveled is less than two miles. Signs reading OVERSIZE VEHICLE MOVING AHEAD on a square at least three feet on each side shall be placed at points before the oversize farm implement enters or leaves the highway and at any entry points along the way. These signs must be removed immediately after the oversize movement has been completed.

[Statutory Authority: RCW 46.44.090. 85-11-062 (Order 46, Resolution No. 243), § 468-38-290, filed 5/20/85; 83-16-018 (Order 39, Resolution No. 195), § 468-38-290, filed 7/25/83; 82-18-010 (Order 31, Resolution No. 156), § 468-38-290, filed 8/20/82. Formerly WAC 468-38-460. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-290, filed 12/20/78. Formerly WAC 252-24-342.]

WAC 468-38-300 Drawbar--Towlines. The drawbar or other connection between vehicles in combination shall be of sufficient strength to hold the weight of the towed vehicle on any grade where operated. No trailer shall whip, weave, or oscillate or fail to follow substantially in the course of the towing vehicle. When a disabled vehicle is being towed by means of a bar, chain rope, cable or similar means and the distance between the towed vehicle and the towing vehicle exceeds 15 feet, there shall be fastened on such connection in approximately the center thereof a white flag or cloth not less than 12 inches square.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-300, filed 8/20/82. Formerly WAC 468-38-430. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-300, filed 12/20/78. Formerly WAC 252-24-345.]

WAC 468-38-310 Adverse weather. Moves may not be made when visibility is reduced to less than 1,000 feet or under hazardous roadway conditions deemed unsafe by the department of transportation or the Washington state patrol.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-310, filed 8/20/82. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1,

Resolution No. 13), § 468-38-310, filed 12/20/78. Formerly WAC 252-24-348.]

WAC 468-38-320 Enforcement officer may restrict movements. When movements by permit are being made, and adverse weather conditions arise, an enforcement officer, at his discretion, may require the driver of the vehicle or combination to pull off the highway. He may direct or escort a vehicle to a place of safety where it may be parked until weather conditions abate and the movement can be resumed under safe operating conditions. The Washington state patrol may determine that such weather conditions exist that certain classes of vehicle may not traverse the highway until those conditions abate.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-320, filed 8/20/82. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-320, filed 12/20/78. Formerly WAC 252-24-351.]

WAC 468-38-330 Consideration of traveling public. When five or more vehicles line up behind an oversize load, the unit is to be removed from the roadway at a place of safety and temporarily stopped until the traffic has cleared.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-330, filed 8/20/82. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-330, filed 12/20/78. Formerly WAC 252-24-354.]

WAC 468-38-340 Speed limits. (1) Unless otherwise stated, maximum speeds for vehicles, combination of vehicles, or vehicles and loads being operated under permit shall be as posted for trucks.

(2) When travel on the roadway shoulder is required on a two-lane highway to allow overtaking traffic to pass, the speed will not exceed 25 miles per hour.

(3) The speed limit contained in a permit is listed as one of the conditions upon which the permit has been issued. This stated speed limit shall not be exceeded, but if a lower limit is posted on any highway, it shall take precedence. Violation of the speed limit contained in the permit will render the permit null and void.

(4) Speed limits shall be as follows:

(a) On two-lane highways in rural areas, 45 miles per hour.

(b) On multiple-lane highways (for all moves including 12-foot width), as posted.

(c) On multiple-lane highways (for moves over 12-foot width), 50 miles per hour.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-340, filed 8/20/82. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-340, filed 12/20/78. Formerly WAC 252-24-357.]

WAC 468-38-350 Lane of travel. The vehicle or combination moving by permit shall be operated in the right lane except when passing or when required to accommodate the height of the load.

[Statutory Authority: RCW 46.44.090. 89-23-110 (Order 68), § 468-38-350, filed 11/22/89, effective 12/23/89; 82-18-010 (Order 31, Resolution No. 156), § 468-38-350, filed 8/20/82. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-350, filed 12/20/78. Formerly WAC 252-24-360.]

WAC 468-38-360 Buildings. (1) Width includes all eaves, porches, or other parts attached during movement.

(2) Movement of a high building will only be permitted if compatible with the structures on the route and the overhead wires, signs and traffic signals. In any movement of a building that requires dropping of any overhead service wire, it is the responsibility of the mover to make all arrangements with the power and telephone companies involved. If the move would require moving of overhead signs or signals, clearance must be obtained from the district administrator before the permit is granted.

(3) The district administrator shall determine whether the size of a building is such as to allow it to be moved by permit. He shall analyze the local traffic patterns and space to make that determination.

(4) Pilot cars will be used when required by the provisions of WAC 468-38-100.

(5) The maximum speed shall not exceed 25 miles per hour.

(6) No permit will be granted for dollies equipped with hard rubber or solid cushion rubber tires.

(7) Movement of buildings over 14 feet wide on two-lane state highways may be permitted under the following conditions:

(a) Controlled vehicular traffic shall be maintained as necessary at all times. The maximum traffic delay shall be five minutes, as estimated by the designated department employee.

(b) The maximum distance of the movement shall not exceed five miles. Additional contiguous permits shall not be issued to exceed the five mile limit. The department may, however, approve the movement for a distance greater than five miles if it determines that a hardship would otherwise result.

(c) Prior to issuing a permit, a qualified department of transportation employee shall make a visual inspection of the building and route involved determining that the conditions listed in this section shall be met and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement.

(d) Special escort and other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-360, filed 8/20/82. Formerly WAC 468-38-440. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-360, filed 12/20/78. Formerly WAC 252-24-360.]

WAC 468-38-370 Triple saddlemounts. (1) Definition: A combination of four vehicles used in a drive-

away-tow-away operation with three vehicles in saddlemount position with the towing vehicle.

(2) Triple saddlemounts may be issued an annual permit to move on the state highway system in combinations up to 75 feet in length.

(3) Vehicles operating in triple saddlemount combinations will meet specifications of the USDOT Federal Motor Carrier Regulations, parts 393.40-393.52 and 393.71.

(4) In triple saddlemount combinations, no towed vehicle will be permitted in lieu of saddlemount.

(5) Subject to limitations of RCW 46.44.041 a full mounted vehicle may be carried on the rear-most towed vehicle only.

[Statutory Authority: RCW 46.44.090. 85-22-002 (Order 50, Resolution No. 253), § 468-38-370, filed 10/24/85; 82-18-010 (Order 31, Resolution No. 156), § 468-38-370, filed 8/20/82. Formerly WAC 468-38-450. 81-15-098 (Order 25, Resolution No. 119), § 468-38-370, filed 7/22/81. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-370, filed 12/20/78. Formerly WAC 252-24-366.]

WAC 468-38-390 Winter road restrictions. During periods when "emergency load restrictions" or "severe emergency load restrictions" are in effect, only vehicles equipped with tires required by WAC 468-38-080 may operate under permit. Movement by permit of units whether driven, towed or hauled is prohibited in areas where any of the following signs are displayed: "Snow tires advised," "approved snow tires recommended," "approved snow tires required," or "tire chains required."

Special permits for movements over mountain passes (Snoqualmie, Stevens, Sherman, Blewett, White and Satus) will not be valid during periods when snow is falling to a degree that visibility is limited to less than 1,000 feet; immediately following a severe storm when snow removal equipment is operating; when fog or rain limits visibility to less than 1,000 feet; or when compact snow and ice conditions require the use of chains. If hazardous conditions are encountered after a move is undertaken, it shall be the responsibility of the permittee to remove the oversize load from the highway, and he shall not proceed until conditions have abated and he has obtained clearance from the nearest department of transportation office or the Washington state patrol.

The secretary of transportation may issue special permits for department vehicles used for snow removal or the sanding of highways during emergency winter conditions. Such permits shall also be valid for vehicles in transit to or from the work site. Limitations on movement during hours of the day or days of the week may be waived. Sign requirements may be waived if weather conditions render such signs ineffectual. Movements at night may be made only by department vehicles whose lights meet the standards for emergency maintenance vehicles established by the commission on equipment.

[Statutory Authority: RCW 46.44.090. 89-23-110 (Order 68), § 468-38-390, filed 11/22/89, effective 12/23/89; 82-18-010 (Order 31, Resolution No. 156), § 468-38-390, filed 8/20/82. Formerly WAC 468-38-280. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-390, filed 12/20/78. Formerly WAC 252-24-372.]

WAC 468-38-400 Load limitations on state highways within Mount Rainier National Park. The maximum gross weights of vehicles on SR 410 from the north boundary of Mount Rainier National Park to the east boundary at Chinook Pass, and on SR 123 from its junction with SR 410 to the south boundary of the park shall be as follows:

(1) No vehicle or trailer having a gross weight in excess of 5,000 pounds is permitted unless its use is in connection with the operation of the park or park concessioners holding contracts with the secretary of the interior.

(2) Buses having a gross weight in excess of 5,000 pounds may make regular or special runs provided authority is obtained from the park superintendent or his representative.

(3) Trucks and/or trailers having a gross weight in excess of 5,000 pounds per vehicle unit may be allowed:

(a) If used to haul pack or saddle stock or recreational supplies or equipment for use within the park;

(b) If used to haul materials to or from a mine situated in the park; or

(c) If used to carry stock used or grazed in the immediate vicinity of these highways.

Signs shall be posted at each entrance to the park on SR 410 and SR 123 indicating that the preceding load restrictions are in effect.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-400, filed 8/20/82. Formerly WAC 468-38-050. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-400, filed 12/20/78. Formerly WAC 252-24-375.]

WAC 468-38-410 Load limitations on certain state highways adjacent to Mount Rainier National Park. The limitations on gross weights listed in WAC 468-38-400 are applicable to SR 410 from the east boundary of the park to the American River Resort, and to SR 123 from the south boundary of the park to its junction with SR 12. Authority to operate buses having a gross weight in excess of 5,000 pounds on these highways must be obtained from the department of transportation.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-410, filed 8/20/82. Formerly WAC 468-38-060. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-410, filed 12/20/78. Formerly WAC 252-24-378.]

WAC 468-38-420 Bridge restrictions. The department shall from time to time evaluate the capacity of all bridges on the state highway system to carry loads. Bridges that cannot safely carry vehicles moving without a permit shall be posted. Vehicles exceeding the posted load limit shall not cross the bridge.

Vehicles carrying overloads authorized by special motor vehicle permit may not cross restricted bridges noted on the permit.

[Statutory Authority: RCW 46.44.090. 82-18-010 (Order 31, Resolution No. 156), § 468-38-420, filed 8/20/82. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-38-420, filed 12/20/78. Formerly WAC 252-24-381.]

Chapter 468-46 WAC TRANSIT VEHICLE STOP ZONES

WAC

468-46-010	Engineering and traffic investigation of request for transit vehicle stop zone.
468-46-020	Secretary of transportation or designee to approve transit vehicle stop zones.
468-46-030	Transit vehicle stop symbol sign.
468-46-040	Advance transit vehicle stop symbol sign.
468-46-050	Transit vehicle warning lights at stop zone.
468-46-060	Elimination of transit vehicle stop zones.

WAC 468-46-010 Engineering and traffic investigation of request for transit vehicle stop zone. Upon receipt of a request from a public transit authority for approval of a transit vehicle stop zone outside of any incorporated city or town, the department of transportation shall conduct an engineering and traffic investigation in an attempt to find a suitable location at which transit vehicles may stop wholly off the roadway for the purpose of receiving or discharging passengers.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-46-010, filed 12/20/78. Formerly WAC 252-34-01001.]

WAC 468-46-020 Secretary of transportation or designee to approve transit vehicle stop zones. Should such a location not be found within a reasonable or practical distance suitable to the transit authority needs, and the public convenience requires that transit vehicles temporarily stop upon the roadway for the purpose of receiving or discharging passengers, the secretary of transportation or any assistant secretary or district engineer to whom the secretary has delegated the authority, may approve a transit vehicle stop zone at the most suitable location available having adequate sight distance based upon engineering judgment, with stopping sight distance as a minimum. The secretary of transportation may approve transit vehicle stop zones at locations not meeting the above requirements where the secretary deems the circumstances warrant such exceptions.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-46-020, filed 12/20/78. Formerly WAC 252-34-02001.]

WAC 468-46-030 Transit vehicle stop symbol sign. A transit vehicle stop (bus stop) symbol sign shall be installed at each approved location with the cost to be the obligation of the transit authority.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-46-030, filed 12/20/78. Formerly WAC 252-34-030.]

WAC 468-46-040 Advance transit vehicle stop symbol sign. The department of transportation shall install at its own expense in advance of each approved transit vehicle stop zone where the transit vehicle is not visible for a distance of 500 feet an advance warning sign consistent with the manual on uniform traffic control devices, (chapter 468-95 WAC).

[Statutory Authority: RCW 46.61.560, 47.36.030, 47.36.050 and 47.36.053. 83-07-025 (Order 76), § 468-46-040, filed 3/14/83. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-46-040, filed 12/20/78. Formerly WAC 252-34-040.]

WAC 468-46-050 Transit vehicle warning lights at stop zone. While stopped on the roadway at approved transit vehicle stop zones for the purpose of receiving or discharging passengers each transit vehicle shall be so equipped and the driver thereof shall activate the four-way warning lights as specified by RCW 46.37.210(4).

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-46-050, filed 12/20/78. Formerly WAC 252-34-050.]

WAC 468-46-060 Elimination of transit vehicle stop zones. Continuous effort shall be made, subject to the availability of funding, to undertake improvements which will eliminate conditions requiring temporary stops by transit vehicles upon the roadway for the purpose of receiving or discharging passengers.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-46-060, filed 12/20/78. Formerly WAC 252-34-060.]

Chapter 468-54 WAC LIMITED ACCESS HEARINGS

WAC

468-54-010	Definitions.
468-54-020	Establishment of limited access facilities—Initiation.
468-54-040	Notice of hearing.
468-54-050	Conduct of hearing.
468-54-065	Hearing officer.
468-54-070	Hearing—Findings or order—Finality.
468-54-080	Copies of transcripts of limited access hearings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

468-54-030	Initiation of proposal by department of transportation. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-54-030, filed 12/20/78. Formerly WAC 252-06-040.] Repealed by 81-19-088 (Order 27, Resolution No. 123), filed 9/17/81. Statutory Authority: RCW 47.52.133, 47.52.145, 47.52.210 and chapter 95, Laws of 1981.
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WAC 468-54-010 Definitions. As used in these rules:

(1) "Fully controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air or view in connection with the highway is controlled to give preference to through traffic by providing access connections with selected public roads only, and by prohibiting crossings or direct private driveway connections at grade.

(2) "Partially controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air or view in connection with the highway is controlled to give preference to through traffic to a degree that, in addition to

access connections with selected public roads, there may be some crossings and some private driveway connections at grade. Commercial approaches to partially controlled limited access highways are allowed only to frontage roads or by means of public road intersections. A partially controlled limited access highway may be designed to provide for separation of a part or all road crossings and the elimination of a part or all direct private driveway connections under a stage plan of future construction.

(3) "Modified controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic to such a degree that most approaches, including commercial approaches, existing and in use at the time of the establishment, may be allowed.

(4) "An expressway limited access highway" is a partially controlled limited access highway of four or more traffic lanes with the opposing lanes of travel separated by a median strip of arbitrary width.

(5) "A freeway limited access highway" is a fully controlled limited access highway of four or more traffic lanes with the opposing traffic lanes separated by a median strip of arbitrary width.

(6) "Party" is any person, county, city or town who is entitled to notice of a limited access hearing and who has entered a written appearance at the hearing.

[Statutory Authority: RCW 47.52.020. 79-08-059 (Order 32), § 468-54-010, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-54-010, filed 12/20/78. Formerly WAC 252-06-010.]

WAC 468-54-020 Establishment of limited access facilities—Initiation. Proceedings to establish a limited access facility may be initiated by interested persons owning property in the vicinity of the proposed facility or by the department of transportation. If the secretary of transportation ascertains that there is merit in the proposal, he will prepare an order designating the portion of the highway, road or street where the limited access highway may be established. The administrator of the transportation commission shall by order fix the date and place where the proposal may be heard.

[Statutory Authority: RCW 47.52.133, 47.52.145, 47.52.210 and chapter 95, Laws of 1981. 81-19-088 (Order 27, Resolution No. 123), § 468-54-020, filed 9/17/81. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-54-020, filed 12/20/78. Formerly WAC 252-06-030.]

WAC 468-54-040 Notice of hearing. Notice of the proposal to establish a limited highway facility shall be given to the owners of property abutting the section of any existing highway being established as a limited access facility, as indicated in the tax rolls of the county and to the county and/or city or town in which the facility is proposed to be established. The notice shall be by United States mail setting forth a time and place for the hearing to be held not less than fifteen days after mailing the notice. Notice of such hearing shall also be published not less than fifteen days prior to the hearing in one or more newspapers of general circulation within

such county, city or town. Such notice shall indicate a suitable location where plans for such proposal may be inspected. Notice given as herein provided shall be deemed sufficient as to any owner or reputed owner or any unknown owner or owner who cannot be located and to the county, city or town. A single hearing may be held for a proposed facility which is located in more than one county, city or town, provided that notice is given to each county, city or town.

[Statutory Authority: RCW 47.52.020. 79-08-059 (Order 32), § 468-54-040, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-54-040, filed 12/20/78. Formerly WAC 252-06-050.]

WAC 468-54-050 Conduct of hearing. At such hearing a member of the transportation commission shall preside, or the commission may designate some suitable person to preside as examiner. The hearing may, at the option of the commission, be conducted in accordance with federal laws and regulations governing highway design public hearings. The department shall introduce by competent evidence a summary of the proposal for the establishment of a limited access facility and any evidence that supports the adoption of the plan as being in the public interest. At the conclusion of the evidence presented by the department, evidence and statements or counterproposals bearing upon the reasonableness of the proposal may be introduced. Such evidence must be material to the issues before the commission and shall be presented in an orderly manner. Any such evidence and statements or counterproposals shall receive reasonable consideration by the commission before any proposal is adopted.

[Statutory Authority: RCW 47.52.133, 47.52.145, 47.52.210 and chapter 95, Laws of 1981. 81-19-088 (Order 27, Resolution No. 123), § 468-54-050, filed 9/17/81. Statutory Authority: RCW 47.52.020. 79-08-059 (Order 32), § 468-54-050, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-54-050, filed 12/20/78. Formerly WAC 252-06-060.]

WAC 468-54-065 Hearing officer. The commission may designate any suitable person as examiner with respect to hearings on any limited access proposal. Subject to later review and ruling by the commission, such examiner may:

- (1) Examine witnesses, and receive evidence;
- (2) Admit evidence which possesses probative value commonly accepted by reasonable, prudent men in the conduct of their affairs, giving effect to the rules of privilege recognized by law and excluding incompetent, irrelevant, immaterial and unduly repetitious evidence;
- (3) Rule on offers of proof and receive relevant evidence;
- (4) Regulate the course of the hearing;
- (5) Hold conferences for the settlement or simplification of the issues by consent of the parties;
- (6) Dispose of procedural requests or similar matters;
- (7) Accept statements as to the reasonableness of the proposal; and

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(8) Establish time limits for speakers, when necessary to assure that all persons attending will have an opportunity to present relevant and material statements without undue repetition.

[Statutory Authority: RCW 47.52.133, 47.52.145, 47.52.210 and chapter 95, Laws of 1981. 81-19-088 (Order 27, Resolution No. 123), § 468-54-065, filed 9/17/81. Statutory Authority: RCW 47.52.020. 79-08-059 (Order 32), § 468-54-065, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-54-065, filed 12/20/78. Formerly WAC 252-06-065.]

WAC 468-54-070 Hearing—Findings or order—Finality. At the conclusion of such hearing the commission shall consider the evidence taken at such hearing and shall make specific findings in the case of each proposal or counterproposal and shall adopt a plan with such modifications, if any, it deems proper and necessary. The commission may order the adoption of any proposal or counterproposal in its entirety or in part, or may modify or reject any such proposal or counterproposal. Its findings or order shall be in writing and copies thereof shall be served by United States mail upon all persons having entered a written appearance at such hearing and upon the county commissioners of the county affected and/or the mayor of the city or town affected. The commission shall also cause a resume of such plan to be published once each week for two weeks in one or more newspapers of general circulation within such county, city or town beginning not less than ten days after the mailing of such findings and order. Such determination by the commission shall become final within thirty days after such mailing unless a review is taken as by statute provided. In case of an appeal by any party the order shall be final as to all parties not appealing.

[Statutory Authority: RCW 47.52.133, 47.52.145, 47.52.210 and chapter 95, Laws of 1981. 81-19-088 (Order 27, Resolution No. 123), § 468-54-070, filed 9/17/81. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-54-070, filed 12/20/78. Formerly WAC 252-06-070.]

WAC 468-54-080 Copies of transcripts of limited access hearings. Copies of transcripts and other hearing documents may be obtained from the headquarters office of the department of transportation. Charges for such copies shall be at the rates established for copying other public records of the department, as authorized by RCW 42.17.300. An additional charge may be imposed for certifying to any copy furnished.

[Statutory Authority: RCW 47.52.020. 79-08-059 (Order 32), § 468-54-080, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-54-080, filed 12/20/78. Formerly WAC 252-06-100.]

Chapter 468-58 WAC

LIMITED ACCESS HIGHWAYS

WAC

468-58-010 Definitions.

468-58-020 Revision to limited access highway facilities.

468-58-030 Limited access highways—Policies on commercial approaches, common carrier and school bus stops, mail box locations and pedestrian crossings.

468-58-050 Prohibition of nonmotorized traffic on fully controlled limited access highways.

468-58-060 Regulations for bicyclists traveling in a group or caravan on partially controlled limited access highways.

468-58-080 Guides for control of access on crossroads and interchange ramps.

468-58-090 Guides for application of access control of state highways.

468-58-100 Guides for the application of modified access control on existing state highways.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

468-58-040 Use of space beneath structures on limited access highways. [Statutory Authority: RCW 47.52.020. 79-08-061 (Order 34), § 468-58-040, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-58-040, filed 12/20/78. Formerly WAC 252-20-035.] Repealed by 81-19-052 (Order 65), filed 9/11/81. Statutory Authority: RCW 47.01.101(5) and 47.12.120.

468-58-070 Stalled or disabled vehicles as a danger to safety—Removal. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-58-070, filed 12/20/78. Formerly WAC 252-20-045.] Repealed by 90-01-100 (Order 69), filed 12/20/89, effective 1/20/90. Statutory Authority: Chapter 34.05 RCW.

468-58-110 State Route 5. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution 13), § 468-58-110, filed 12/20/78. Formerly WAC 252-34A-030.] Repealed by 84-05-044 (Order 88), filed 2/21/84. Statutory Authority: RCW 34.04.010.

WAC 468-58-010 Definitions. The following definitions shall designate limited access highways and shall indicate the control of access to be exercised by each:

(1) "Fully controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic by providing access connections with selected public roads only, and by prohibiting crossings or direct private driveway connections at grade.

(2) "Partially controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings and some private driveway connections at grade. Commercial approaches to partially controlled limited access highways are allowed only to frontage roads or by means of public road intersections. A partially controlled limited access highway may be designed to provide for separation of a part or all road crossings and the elimination of a part or all direct private driveway connections under a stage plan of future construction.

(3) "Modified controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in

connection with the highway is controlled to give preference to through traffic to such a degree that most approaches, including commercial approaches, existing and in use at the time of the establishment, may be allowed.

(4) "An expressway limited access highway" is a partially controlled limited access highway of four or more traffic lanes with the opposing lanes of travel separated by a median strip of arbitrary width.

(5) "A freeway limited access highway" is a fully controlled limited access highway of four or more traffic lanes with the opposing traffic lanes separated by a median strip of arbitrary width.

[Statutory Authority: RCW 47.52.020. 79-08-061 (Order 34), § 468-58-010, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-58-010, filed 12/20/78. Formerly WAC 252-20-010.]

WAC 468-58-020 Revision to limited access highway facilities. Subject to the requirements for public hearings, the transportation commission may adopt revisions to duly established limited access highway facilities, or may delegate authority for such revisions to the secretary of transportation. The secretary, at his discretion, may further delegate such authority.

[Statutory Authority: RCW 47.52.133, 47.52.145, 47.52.210 and chapter 95, Laws of 1981. 81-19-088 (Order 27, Resolution No. 123), § 468-58-020, filed 9/17/81. Statutory Authority: RCW 47.52.020. 79-08-061 (Order 34), § 468-58-020, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-58-020, filed 12/20/78. Formerly WAC 252-20-020.]

WAC 468-58-030 Limited access highways—Policies on commercial approaches, common carrier and school bus stops, mail box locations and pedestrian crossings. (1) **Fully controlled limited access highways:**

(a) No commercial approaches shall be permitted direct access to main roadway but only to frontage roads when these are provided in the access plan or to the crossroads of interchanges outside the limits of full access control.

(b) No common carrier bus stops other than required by law shall be permitted except at locations provided by the state on the interchanges or, in exceptional cases, along the main roadway where pedestrian separation is available.

(c) School bus stops shall not be permitted except as in subparagraph (b) of this subsection.

(d) No mail boxes shall be permitted except on frontage roads.

(e) Pedestrian crossings shall not be permitted at grade.

(2) **Partially controlled limited access highways:**

(a) No commercial approaches shall be permitted except on frontage roads provided in the access plan or at intersections.

(b) Bus stops for both common carriers and school buses shall not be permitted other than as required by law on either two or four lane highways, except as follows:

(i) At locations of intersections, with necessary lanes to be constructed by the state;

(ii) Where shoulder widening has been provided for mail delivery service;

(iii) For a designated school bus loading zone on the traveled lane or adjacent thereto which has been approved by the department of transportation.

(c) Pedestrian grade crossings will be permitted only where a grade crossing is provided, except that pedestrian crossings will be permitted on two lane highways at mail box locations or at points designated for school children to cross as provided in subparagraph (d) of this subsection.

(d) Pedestrian crossings are prohibited in the immediate vicinity of school bus loading zones which are located adjacent to the traveled way. Pedestrian crossings may be permitted:

(i) On two lane highways not less than one hundred feet from a school bus loading zone adjacent to the traveled lane, if school district and department of transportation personnel determine that stopping in the traveled lane is hazardous.

(ii) On two lane highways at the school bus when stopped on the traveled lane to load or unload passengers and the proper sign and signal lights displayed.

(e) School bus loading zones on partially controlled access highways shall be posted with school bus loading zone signs, in accordance with the latest edition of the Manual on Uniform Traffic Control Devices.

(f) The list of designated school bus loading zones approved by the department of transportation will be kept on file and maintained by the headquarters traffic engineer.

(g) Mail boxes shall be located on frontage roads or at intersections, with the following exceptions for properties which are served by Type A or B approaches:

(i) Mail boxes for Type A or B approaches on a four lane highway shall be located only on the side of the highway on which the approach is provided;

(ii) Mail boxes for Type A or B approaches on a two lane highway shall all be located on that side of the highway which is on the right in the direction of the mail delivery.

(3) Modified control limited access highways:

(a) Commercial approaches to modified controlled limited access highways may be permitted only where and in the manner specifically authorized at the time the plan is established and access rights are obtained.

(b) Bus stops and pedestrian crossings may be permitted as follows:

(i) In rural areas, bus stops and pedestrian crossings shall be subject to the same restrictions as on partial controlled limited access highways.

(ii) In urban areas bus stops for both commercial carriers and school buses may be permitted without restrictions other than those required by law.

(c) Mail boxes may be located adjacent to or opposite all authorized approaches as follows:

(i) Mail boxes on a four-lane highway shall be located only on the side of the highway on which the approach is provided.

(ii) Mail boxes on a two-lane highway shall all be located on that side of the highway which is on the right in the direction of the mail delivery.

[Statutory Authority: RCW 47.52.020. 79-08-061 (Order 34), § 468-58-030, filed 7/23/79. Statutory Authority: RCW 47.36.050. 79-08-060 (Order 33), § 468-58-030, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-58-030, filed 12/20/78. Formerly WAC 252-20-030.]

WAC 468-58-050 Prohibition of nonmotorized traffic on fully controlled limited access highways. (1) All nonmotorized traffic shall be prohibited on state highways which have been established and constructed as fully controlled limited access facilities, and signs giving notice of such prohibition shall be posted upon all such highways.

(2) This prohibition of nonmotorized traffic on fully controlled limited access highways shall not apply to:

(a) Pedestrian overcrossings and undercrossings or other facilities provided specifically for the use of such traffic.

(b) Bicycles utilizing the right-hand shoulders; except where the secretary of transportation or his designee has prohibited such use. Signs giving notice of such prohibition shall be posted for those sections where such usage is prohibited.

[Statutory Authority: RCW 47.52.025 and 46.61.160. 82-01-029 (Order 70), § 468-58-050, filed 12/14/81. Statutory Authority: RCW 47.36.050. 80-05-027 (Order 53), § 468-58-050, filed 4/15/80. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-58-050, filed 12/20/78. Formerly WAC 252-20-040.]

WAC 468-58-060 Regulations for bicyclists traveling in a group or caravan on partially controlled limited access highways. (1) Riding single file on the usable shoulder is encouraged.

(2) Care and caution as well as compliance with rules of the road and traffic control devices – signs, signals and markings shall be exercised by bicycle operators when traveling upon state highways.

(3) No person operating a bicycle shall stop on a bridge or other structure, except on a sidewalk or other area not less than three feet wide separated from the traveled roadway by a painted stripe or a physical barrier.

(4) When traveling in a large group, caravan or expedition, the size of travel units shall be limited to a maximum of six bicyclists per unit.

(5) The maximum number of units in a group, caravan or expedition shall not exceed twenty-five.

(6) Travel units of bicyclists shall maintain a minimum spacing between travel units of 500 feet to provide passing opportunities for motor vehicle operators.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-58-060, filed 12/20/78. Formerly WAC 252-20-060.]

WAC 468-58-080 Guides for control of access on crossroads and interchange ramps. (1) Fully controlled highways, including interstate.

(a) There shall be no connections to abutting property or local service or frontage roads within the full length of any "off" or "on" interchange ramp from a fully controlled limited access highway. Such ramp shall be considered to terminate at its intersection with the local road which undercrosses or overcrosses the limited access facility, provided that in urban areas "off" and "on" ramps may be terminated at local streets other than crossroads where necessary to service existing local traffic.

(b) There shall be no direct connections from the limited access facility in rural areas to local service or frontage roads except through interchanges.

(c) In both urban and rural areas access control on a fully controlled highway shall be established along the crossroad at an interchange for a minimum distance of three hundred feet beyond the centerline of the ramp or terminus of transition taper. If a frontage road or local road is located in a generally parallel position within three hundred fifty feet of a ramp, access control should be established along the crossroad and in addition for a minimum distance of one hundred thirty feet in all directions from the center of the intersection of the parallel road and crossroad.

(d) Full control of access should be provided along the crossroad from the centerline of a ramp or terminus of a transition taper for a minimum distance of three hundred feet. Upon determination by the department, full control of access may be provided for the first one hundred thirty feet from the centerline of the ramp or terminus of a transition taper and partial control or modified control of access may be provided for the remainder of the distance to the frontage road or local road for a total minimum distance for the two types of control of three hundred feet. Type A, B, C, D and E road approaches, as defined hereafter under subsection (3) of this section, "general," may be permitted on that portion of the crossroad on which partial or modified control of access is established.

(2) Partially controlled highways.

(a) There shall be no connections to abutting property or local service or frontage roads within the full length of any "off" or "on" interchange ramp from a partially controlled limited access highway. Such ramp shall be considered to terminate at its intersection with the local road which undercrosses or overcrosses the limited access facility, provided that in urban areas "off" and "on" ramps may be terminated at local streets other than crossroads where necessary to service existing local traffic.

(b) In both urban and rural areas access control on a partially controlled highway shall be established along the crossroad at an interchange for a minimum distance of three hundred feet beyond the centerline of the ramp or terminus of transition taper. If a frontage road or local road is located in a generally parallel position within three hundred fifty feet of a ramp, access control should be established along the crossroad and in addition for a minimum distance of one hundred thirty feet in all directions from the center of the intersection of the parallel road and crossroad.

(c) Access control limits at the crossroads on a partially controlled highway should be established along the crossroad at a grade intersection for a minimum distance of three hundred feet from the centerline of the nearest directional roadway. If a parallel road is located within three hundred fifty feet of said grade intersection, access control should be established along the crossroad and in addition for a minimum distance of one hundred thirty feet in all directions from the center of the intersection of the parallel road and crossroad. Type D and E approaches may be permitted closer than one hundred thirty feet from the center of the intersection only when they already exist and cannot reasonably be relocated.

(d) Access control limits at intersections on modified control highways should be established along the cross road for a minimum distance of one hundred thirty feet from the centerline of a two-lane highway or for a minimum of one hundred thirty feet from centerline of the nearest directional roadway of a four-lane highway. Type D and E approaches should be allowed within this area only when no reasonable alternative is available.

(3) General.

(a) Access control may be increased or decreased beyond or under the minimum requirements to fit local conditions if so determined by the department.

(b) Type A, B, C, D and E approaches are defined as follows:

(i) Type A approach. Type A approach is an off and on approach in legal manner, not to exceed thirty feet in width, for sole purpose of serving a single family residence. It may be reserved by abutting owner for specified use at a point satisfactory to the state at or between designated highway stations.

(ii) Type B approach. Type B approach is an off and on approach in legal manner, not to exceed fifty feet in width, for use necessary to the normal operation of a farm, but not for retail marketing. It may be reserved by abutting owner for specified use at a point satisfactory to the state at or between designated highway stations.

(iii) Type C approach. Type C approach is an off and on approach in legal manner, for special purpose and width to be agreed upon. It may be specified at a point satisfactory to the state at or between designated highway stations.

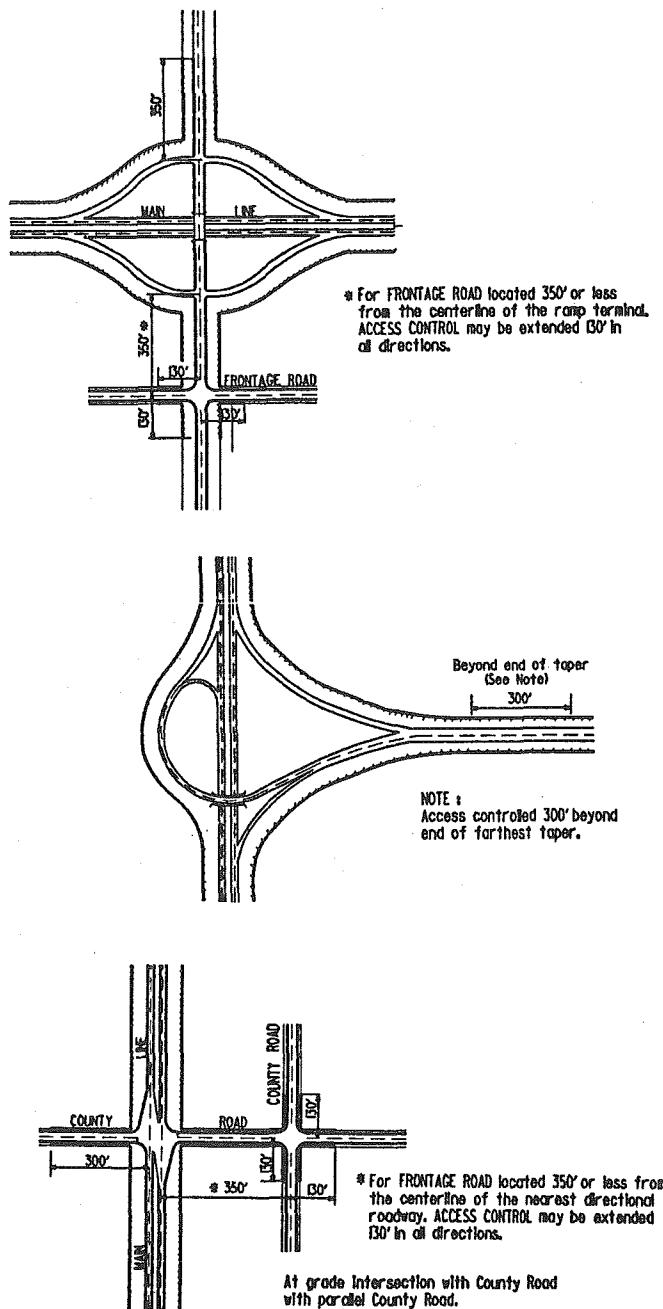
(iv) Type D approach is an off and on approach in a legal manner not to exceed fifty feet in width for use necessary to the normal operation of a commercial establishment. It may be specified at a point satisfactory to the state at or between designated highway stations.

(v) Type E approach is a separated off and on approach in a legal manner, with each opening not exceeding thirty feet in width, for use necessary to the normal operations of a commercial establishment. It may be specified at a point satisfactory to the state at or between designated highway stations.

(c) Under no circumstances will a change in location or width of an approach be permitted unless approved by the secretary. Noncompliance or violation of these conditions will result in the immediate closure of the approach.

(d) Commercial approaches shall not be permitted within the limits of access control except where modified access control has been approved by the department.

(e) All access control shall be measured from the centerline of the ramps, crossroads or parallel roads or from the terminus of transition tapers. On multiple lane facilities measurement shall be from the centerline of the nearest directional roadway.



[Statutory Authority: RCW 47.01.101(5). 87-15-021 (Order 109), § 468-58-080, filed 7/8/87. Statutory Authority: RCW 47.52.020. 79-08-061 (Order 34), § 468-58-080, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-58-080, filed 12/20/78. Formerly WAC 252-20-051.]

WAC 468-58-090 Guides for application of access control of state highways. (1) Fully controlled limited access highways:

(a) All interstate highways shall require full access control.

(b) All principal arterial highways requiring four or more through traffic lanes within a twenty-year design period, shall require full control of access, unless approved for partial or modified access control on existing highways by the secretary of transportation or his designee.

(2) Partially controlled limited access highways:

(a) Principal arterial highways requiring two through traffic lanes where the estimated traffic volumes exceed three thousand average daily traffic within a twenty-year design period shall require partial control of access, unless approved for modified access control on existing highways by the secretary of transportation or his designee.

(b) Rural minor arterial highways on both new and existing location and urban minor arterial highways on new location, requiring four or more through traffic lanes within a twenty-year design period, or requiring only two through traffic lanes where the estimated traffic volumes exceed three thousand average daily traffic within a twenty-year design period, shall require partial control of access; however, modified access control may be applied on existing location when approved by the secretary of transportation or his designee.

(c) Collector highways on new location requiring four or more through traffic lanes in a twenty-year design period shall require partial control of access.

(d) Other rural minor arterial highways with only two lanes may be considered for partial or modified control of access if the control can be acquired at a reasonable cost; if the route connects two highways of a higher classification; if the potential land development would result in numerous individual approaches such as may be encountered in a recreational area; or if the highway traverses publicly owned lands where access control seems desirable.

(e) Partial access control will not normally be used in urban areas, or inside corporate limits on existing principal arterial or minor arterial highways where traffic volumes are less than seven hundred design hour volume if required levels of urban service, including operating speeds, can be maintained for the estimated traffic under existing and estimated future conditions, including traffic engineering operational improvements. If not, the route should be relocated or reconstructed in accordance with the modified or partial access control standards.

(f) Existing collector highways will normally be considered for access control only where all of the following conditions apply:

(i) The highway serves an area which is not directly served by a higher class of highway.

(ii) Existing or planned development will result in traffic volumes significantly higher than the warrants for access control on minor arterials.

(iii) Partial or modified access control may be established without a major impact on development of abutting properties within the constraints of zoning established at the time access control is proposed.

(g) Termini of access control sections should be at apparent logical points of design change.

(3) Modified access control – Access control on existing highways:

(a) Modified access control may be established on existing highways. The degree of control applied will be such that most approaches, including commercial approaches, existing and in use at the time of the establishment, may be allowed. Commercial approaches for future development may also be considered in order to avoid economic land locking. No commercial approaches will be allowed other than those included in the plan at the time access control is established and access rights are acquired.

(b) Selection of facilities on which modified access control will be applied, will be based upon a design analysis considering but not limited to traffic volumes, level of service, route continuity, population density, local land use planning predicted growth rate established by the planning agency having jurisdiction, economic analysis, and safety. A comparison of these factors based on modified access control versus full or partial control shall be the basis of the decision by the secretary of transportation or his designee to establish modified access control on a section or sections of highway.

(c) Where modified access control is to be established on existing highways, commercial areas may be excepted from control when all or most of the abutting property is developed to the extent that few, if any, additional road approaches would be required with full development of the area. Such exceptions will not normally extend to corporate limits or to urban area boundaries.

Nothing in this policy should be construed to prevent short sections of full, partial, or modified control of access where unusual topographic, land use, or traffic conditions exist. Special design problems should be dealt with on the basis of sound engineering-economic principles.

Because specific warrants cannot be logically or economically applied in every circumstance, exceptions may be considered upon presentation to the secretary of transportation or his designee of justification for reasonable deviation from this policy.

[Statutory Authority: RCW 47.52.020. 79-08-061 (Order 34), § 468-58-090, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-58-090, filed 12/20/78. Formerly WAC 252-20-080.]

WAC 468-58-100 Guides for the application of modified access control on existing state highways. (1) Definitive standards for road approaches on modified access controlled highways shall be as follows:

(a) The type of approach for each parcel shall be commensurate with the present and potential land use and be based on appraisals which consider the following:

(i) Local comprehensive plans, zoning and land use ordinances.

(ii) Property covenants and/or agreements.
 (iii) City or county ordinances.
 (iv) The highest and best use of the property.
 (v) Highest use and best use of adjoining lands.
 (vi) Change in use by merger of adjoining ownerships.
 (vii) All other factors bearing upon proper land use of the parcel.

(b) The type of approaches* to be considered are:

- (i) Type A (residential).
- (ii) Type B (farm).
- (iii) Type C (special use).
- (iv) Type D (commercial single 50 feet width).
- (v) Type E (commercial double 30 feet width).

(c) Once established, the type, size and location of the approach may be modified by the secretary of transportation or his designee.

(d) When Type D or E approaches have been established, interim use of Type A or B approaches will be allowed.

(2) Design. The number and location of approaches on a modified access control highway shall be carefully planned to provide a safe highway compatible with present and potential land use. The following will be applied:

(a) Parcels which have access to another public road or street as well as frontage on the highway will not normally be allowed direct access to the highway.

(b) Approaches located in areas where sight limitations create undue hazard shall be relocated or closed.

(c) The number of access openings shall be held to a minimum. Access openings are limited to one approach for each parcel of land with the exception of extensive frontages where one approach is unreasonable or for Type E approaches which feature separate off and on approaches.

(d) Joint use of access approaches shall be considered, where feasible.

(e) New approaches will be considered at the time of plan adoption to prevent a physical "landlock" by reason of access taking.

(f) Existing access points not meeting the test of these rules as described in this section, will be closed.

*Refer to WAC 468-58-080 for definitions.

[Statutory Authority: RCW 47.52.020. 79-08-061 (Order 34), § 468-58-100, filed 7/23/79. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-58-100, filed 12/20/78. Formerly WAC 252-20-090.]

Chapter 468-66 WAC

HIGHWAY ADVERTISING CONTROL ACT

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

468-66-040	Measurements of distance. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-040, filed 12/20/78. Formerly WAC 252-40-030.] Repealed by 80-04-095 (Order 52), filed 4/1/80. Statutory Authority: RCW 47.42.060.
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WAC 468-66-010 Definitions. The following terms when used in this chapter shall have the following meanings:

(1) "Abandoned." A sign for which neither sign owner nor land owner claim any responsibility.

(2) "Act" shall mean the Highway Advertising Act of 1961, as amended and embodied in chapter 47.42 RCW.

(3) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a nondivided highway.

(4) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main-traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become nonconforming and shall not be maintained by any person after May 10, 1974.

(5) "Commission" means the Washington state transportation commission.

(6) "Discontinued." A sign shall be considered discontinued if, after receiving notice of absence of advertising content for three months, the permit holder fails to put advertising content on the sign within three months of the notice.

(7) "Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of a controlled access highway from the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.

(8) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(9) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of a controlled access highway to reach the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.

(10) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of Title 23, United States Code.

(11) "Legible" means capable of being read without visual aid by a person of normal visual acuity.

(12) "Maintain" means to allow to exist. A sign loses its right to remain as a nonconforming sign if its size is increased more than fifteen percent over its size on the effective date of the Scenic Vistas Act on May 10, 1971, or the effective date of control of a given route, whichever is applicable.

(13) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, entrance roadways, exit roadways, or parking areas.

(14) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals.

(15) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code.

(16) "Scenic system" means:

(a) Any state highway within any public park, federal forest area, public beach, public recreation area, or national monument;

(b) Any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system; or

(c) Any state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature as a part of the scenic and recreational

highway system except for the sections of highways specifically excluded in section 2, chapter 62, Laws of 1971 ex. sess.

(17) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(18) "Trade name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(19) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(20) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

(21) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(22) "Electronic sign" means an outdoor advertising sign, display, or device whose message may be changed by electrical or electronic process, and includes the device known as the electronically changeable message center for advertising on-premise activities (WAC 468-66-070).

(23) "Public service information" means a message on an electronic sign which provides the time, date, temperature, weather, or similar information.

(24) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for sale seasonal agricultural products harvested or produced on the property where the sale is taking place.

[Statutory Authority: RCW 47.42.060, 88-22-002 (Order 116), § 468-66-010, filed 10/20/88; 86-01-063 (Order 99), § 468-66-010, filed 12/17/85. Statutory Authority: Chapter 47.42 RCW. 85-17-012 (Order 96), § 468-66-010, filed 8/12/85. Statutory Authority: RCW 47.42.060, 85-03-031 (Order 94), § 468-66-010, filed 1/10/85; 80-06-057 (Order 56), § 468-66-010, filed 5/19/80. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution 13), § 468-66-010, filed 12/20/78. Formerly WAC 252-40-010.]

WAC 468-66-020 Restrictions on signs. Except as permitted by the act and these regulations, no person shall erect or maintain a sign which is visible from the main-traveled way of the interstate system, the primary system, or the scenic system. In case a highway or a section of highway is both a part of the primary system and the scenic system, only those signs permitted along the scenic system shall be erected or maintained.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-020, filed 12/20/78. Formerly WAC 252-40-015.]

WAC 468-66-030 General provisions. Notwithstanding any other provision of the act or these regulations, no signs visible from the main-traveled way of the interstate system, primary system, or scenic system

which have any of the following characteristics shall be erected or maintained:

(1) Signs advertising activities that are illegal under state or federal laws or regulations in effect at the location of such signs or at the location of such activities.

(2) Illegal, destroyed, abandoned, discontinued or obsolete signs.

(3) Signs that are not clean and in good repair.

(4) Signs that are not securely affixed to a substantial structure.

(5) Signs which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.

(6) Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

(7) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights (except those signs giving public service information).

(8) Signs which use any lighting in any way unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

(9) Signs which move or have any animated or moving parts (except revolving signs giving public service information).

(10) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(11) Signs which exceed twenty feet in length, width or height, or one hundred fifty square feet in area, including border and trim but excluding supports, except:

(a) Larger signs as permitted within commercial and industrial areas adjacent to the primary system pursuant to RCW 47.42.062; and

(b) Type 3 signs not more than fifty feet from the advertised activity; and

(c) Type 8 signs shall not exceed thirty-two square feet in area, unless they qualify as Type 3 (on-premise) signs.

(12) Electronic signs may be used only to advertise activities conducted or goods and services available on the property on which the signs are located or to present public service information.

(a) Advertising messages may contain words, phrases, sentences, symbols, trade-marks, and logos. A single message or a segment of a message must have a display time of at least two seconds including the time to move onto the sign board, with all segments of the total message to be displayed within ten seconds. A message consisting of only one segment may remain on the sign board as long as desired.

(b) Electronic signs requiring more than four seconds to change from one single message display to another shall be turned off during the change interval.

(c) Displays traveling horizontally across the sign board must move between sixteen and thirty-two light

columns per second. Displays can scroll onto the sign board but must hold for two seconds including scrolling.

(d) Sign displays shall not include any art animations or graphics that portray motion, except for movement of graphics onto or off of the sign board as previously described.

(e) No electronic sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. Signs found to be too bright shall be adjusted in accordance with the instructions of the department.

(f) As on-premise signs, electronic signs are subject to the provisions of RCW 47.42.045 and 47.42.062.

[Statutory Authority: Chapter 47.42 RCW. 85-17-012 (Order 96), § 468-66-030, filed 8/12/85. Statutory Authority: RCW 47.42.060. 85-03-031 (Order 94), § 468-66-030, filed 1/10/85; 80-04-095 (Order 52), § 468-66-030, filed 4/1/80. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution 13), § 468-66-030, filed 12/20/78. Formerly WAC 252-40-020.]

WAC 468-66-050 Classification of signs. Signs shall be classified as follows:

(1) Type 1—Directional or other official signs or notices.

(a) Signs and notices erected and maintained by public offices or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.

(b) Service club and religious notices, whose message shall contain only the name of a nonprofit service club or religious organization, its address and the time of its meeting or service.

(2) Type 2—For sale or lease sign. A sign not prohibited by state law which is consistent with the applicable provisions of these regulations and which advertises the sale or lease only of the parcel of real property upon which the sign is located. The name of the owner of the property offered for sale or lease or the owner's agent shall not be displayed more conspicuously than the words "for sale" or "for lease." Not more than one such sign advertising the sale or lease of a parcel of property shall be permitted in such manner as to be visible to traffic proceeding in any one direction on an interstate system, primary system or scenic system highway.

(3) Type 3—On-premise sign. A sign advertising an activity conducted on the property on which the sign is located. The sign shall be limited to identifying the establishment or the principal or accessory products or services offered on the property. A sign consisting principally of a brand name, trade name, product, or service incidental to the principal products or services offered on the property, or bringing rental income to the property owner, is not considered an on-premise sign. Not more than one such sign, visible to traffic proceeding in any one direction on an interstate system, primary system, or

scenic system highway may be permitted more than fifty feet from the advertised activity.

Signs reading "future site of" or similar wording will be allowed as an on-premise sign without any activity being apparent on the site for one year from date of installation provided the following conditions have been met:

(a) The department of transportation has received a letter of notification of intent from the owner of the proposed advertised activity.

(b) The sign shall not inform of activities conducted elsewhere.

(c) The maximum size of a future site sign shall not be greater than one hundred fifty square feet.

The sign must be removed at the end of the one year time period if the advertised activity has not become operational.

(4) Type 4—Signs within twelve air miles of advertised activities. Signs not prohibited by state law which are consistent with the applicable provisions of these regulations and which advertise activities conducted within twelve air miles of such signs.

(5) Type 5—Signs in the specific interest of the traveling public. Signs authorized to be erected or maintained by state law which are consistent with these regulations and which are designed to give information in the specific interest of the traveling public.

(6) Type 6—Signs lawfully in existence on October 22, 1965, determined by the department of transportation, subject to the approval of the United States Secretary of Transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of chapter 47.42 RCW.

(7) Type 7—Public service signs located on school bus stop shelters, which:

(a) Identify the donor, sponsor or contributor of said shelters;

(b) Contain safety slogans or messages which do not pertain to the donor and occupy not less than sixty percent of the area of the signs. In addition to this area limitation the donor identification portion of the sign may not appear more prominently than the safety slogan message;

(c) Contain no other message;

(d) Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation or ordinance, off the state highway right of way. School bus shelters shall not exceed 10 feet in length, 10 feet in width or 8 feet in height and shall be constructed with the upper 4 feet of the sides perpendicular to the roadway being occupied by the sign. The remainder is to be constructed of a see through nature. No school bus shelter shall be located along fully controlled access highways as specifically referenced in WAC 468-58-030;

(e) Do not exceed 32 square feet in area. Not more than one sign on each shelter may face in any one direction. The sign shall not protrude above the roof line or beyond the sides of the shelter;

(f) Signs erected pursuant to a permit issued by the department of transportation as provided in RCW 47-42.120 and 47.42.130 and the regulations issued thereunder. A permit shall be required for each individual sign face.

(8) Type 8—Temporary agricultural directional signs, with the following restrictions:

(a) Signs shall be posted only during the period of time the seasonal agricultural product is being sold;

(b) Signs shall not be placed adjacent to the interstate highway system unless the sign qualifies as an on-premise (Type 3) sign;

(c) Signs shall not be placed within an incorporated city or town, but may be placed in unzoned areas and areas zoned for agricultural, commercial, and industrial activities;

(d) Premises on which the seasonal agricultural products are sold must be within fifteen miles of the state highway, and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway;

(e) Signs must be located so as not to restrict sight distances on approaches to intersections, or restrict the visibility of other authorized signs;

(f) The minimum spacing between sign structures shall be three hundred feet. For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure (spacing is independent of off-premise (Type 4) signs).

[Statutory Authority: RCW 47.42.060. 88-22-002 (Order 116), § 468-66-050, filed 10/20/88. Statutory Authority: Chapter 47.42 RCW 85-17-012 (Order 96), § 468-66-050, filed 8/12/85. Statutory Authority: RCW 47.42.060. 80-05-055 (Order 55), § 468-66-050, filed 4/18/80. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-050, filed 12/20/78. Formerly WAC 252-40-040.]

WAC 468-66-060 Signs along scenic, primary, and interstate systems. Signs of Types 4 and 5 shall not be erected or maintained within view of the main-traveled way of the scenic or primary system. Signs visible from the main-traveled way of the primary system within commercial and industrial areas shall be permitted as provided in WAC 468-66-110. Only signs of Types 1, 2, 3, 4 and 5 shall be erected or maintained within view of the main-traveled way of the interstate system to the extent and in the manner permitted by WAC 468-66-080, 468-66-090, and 468-66-100: *Provided, That after May 10, 1974, no Type 4 or Type 5 signs shall be maintained within view of the main-traveled way of the interstate system outside of commercial and industrial areas.* Signs of Types 7 and 8 may be erected or maintained within view of the primary and scenic highway systems to the extent and manner permitted by WAC 468-66-050.

[Statutory Authority: Chapter 47.42 RCW. 85-17-012 (Order 96), § 468-66-060, filed 8/12/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-060, filed 12/20/78. Formerly WAC 252-40-050.]

(1989 Ed.)

WAC 468-66-070 On-premise signs (Type 3). (1) Not more than one Type 3 sign visible to traffic proceeding in any one direction on an interstate system, primary system outside an incorporated city or town or commercial or industrial area, or scenic system highway may be permitted more than fifty feet from the advertised activity.

(2) For the purpose of measuring from the "advertised activity" the distance shall be measured from that building, storage, or other structure or processing area, which is the most regularly used and essential to the conduct of the activity. For signs advertising shopping centers, malls and business combinations, a combined parking area may be considered as part of that activity for purposes of allowing a single individual on-premise sign; in the event that a shopping center, mall or business combination does erect a single individual on-premise sign as permitted herein, such sign may identify each of the individual businesses conducted upon the premises, and may include a single display area such as a manually changeable copy panel, reader board or electronically changeable message center for advertising on-premise activities. Individual business signs in such a center, mall or combination area are not permissible more than fifty feet from the individual activity.

(3) A Type 3 sign permitted more than fifty feet from the advertised activity pursuant to subsection (1) of this section shall not be erected or maintained a greater distance from the advertised activity than one of the following options selected by the owner of the business being advertised:

(a) One hundred fifty feet measured along the edge of the protected highway from the edge of the main entrance to the activity advertised (when applicable);

(b) One hundred fifty feet from any outside wall of the main building of the advertised activity; or

(c) Fifty feet from any outside edge of a regularly used parking lot maintained by and contiguous to the advertised activity.

(4) One Type 3 sign in each direction, not exceeding fifty square feet in area bearing only the name and a directional message, indicating the location of a business, farm, ranch or orchard may be allowed on such premises that were in existence on June 25, 1976, provided that the following conditions exist:

(a) No other Type 3 signs legible from the main traveled lanes of the highway are maintained.

(b) The sign is located on property abutting the highway where ownership or unrestricted lease is contiguous to and includes the advertised activity and not on a strip or parcel of land deemed by the department of transportation to be acquired for the sole purpose of outdoor advertising.

[Statutory Authority: RCW 47.42.060. 80-05-055 (Order 55), § 468-66-070, filed 4/18/80. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-070, filed 12/20/78. Formerly WAC 252-40-055.]

WAC 468-66-080 Number of signs and spacing requirements along interstate system. No Type 4 or Type 5 signs which are visible from the main-traveled way of

the interstate system shall be erected or maintained in any manner inconsistent with the following:

(1) In advance of an intersection of the main-traveled way of the interstate highway and an exit roadway, such signs visible to interstate system traffic approaching such intersection may not be permitted to exceed the following number:

Distance from intersection	Number of signs
0-2 miles	0
2-5 miles	6
More than 5 miles	Average of one sign per mile

The specified distances shall be measured to the nearest point of the intersection of the traveled way of the exit roadway and the main-traveled way of the interstate highway.

(2) Subject to the other provisions of this section, not more than two such signs may be permitted within any mile distance measured from any point, and no such signs may be permitted to be less than one thousand feet apart.

(3) Such signs may not be permitted adjacent to any interstate highway right of way upon any part of the width of which is constructed an entrance or exit roadway.

(4) Such signs visible to interstate highway traffic which is approaching or has passed an entrance roadway may not be permitted for one thousand feet beyond the furthest point of the intersection between the traveled way of such entrance roadway and the main-traveled way of the interstate highway.

(5) Not more than one such sign advertising activities being conducted as a single enterprise or giving information about a single place may be permitted to be erected or maintained in such manner as to be visible to traffic moving in any one direction on any one interstate highway.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-080, filed 12/20/78. Formerly WAC 252-40-070.]

WAC 468-66-090 Preference of applicants for Type 4, Type 5, and Type 8 sites. Applications for available Type 4, Type 5, and Type 8 sign sites, where the number of applications shall exceed the available sites, shall be awarded upon the following preferential basis:

(1) Agencies of the state of Washington in order of their applications.

(2) Counties or incorporated cities in the order of their applications.

(3) Federal agencies in the order of their applications.

(4) All other applicants in the order of their applications, giving preference, however, to the holder of an existing permit for renewal thereof. All applications received during the department's normal office hours during the same day shall be construed as having been

received simultaneously. In the case of a tie between applicants, and upon notification thereof by the department, the department shall determine by lot which shall receive the permit.

[Statutory Authority: Chapter 47.42 RCW. 85-17-012 (Order 96), § 468-66-090, filed 8/12/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-090, filed 12/20/78. Formerly WAC 252-40-080.]

WAC 468-66-100 Advertising copy. (1) A Type 4 sign that displays any trade name which refers to or identifies any service rendered or product sold, used or otherwise handled more than twelve air miles from such sign may not be permitted unless the name of the advertised activity which is within twelve air miles of such sign is displayed as conspicuously as such trade name.

(2) In Type 5 signs, only information about public places operated by federal, state or local governments, natural phenomena, historic sites, areas of natural scenic beauty or naturally suited for outdoor recreation, and places for camping, lodging, eating and vehicle service and repair is deemed to be in the specific interest of the traveled public. For the purposes of the act and these regulations, a trade name is deemed to be information in the specific interest of the traveling public only if it identifies or characterizes such a place or identifies vehicle service, equipment, parts, accessories, fuels, oils or lubricants being offered for sale at such a place. Signs displaying any other trade name may not be permitted under Type 5.

(3) Notwithstanding the provisions of subsection (1) of this section, Type 4 signs which also qualify as Type 5 signs may display trade names in accordance with the provisions of subsection (2) of this section.

(4) A Type 8 sign shall contain the business name, product(s) for sale, and travel direction and distance to the nearest mile from the intersection with the state highway to the business activity. The materials and workmanship in fabricating and installing the signs should have a professional appearance.

[Statutory Authority: Chapter 47.42 RCW. 87-01-055 (Order 107), § 468-66-100, filed 12/16/86; 85-17-012 (Order 96), § 468-66-100, filed 8/12/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-100, filed 12/20/78. Formerly WAC 252-40-090.]

WAC 468-66-110 Signs within commercial and industrial areas of primary system. Signs visible from the main-traveled way of the primary system within commercial and industrial areas whose size and spacing are consistent with the customary use of property for the effective display of outdoor advertising as set forth in this section may be erected and maintained: *Provided*, That nothing in this section shall restrict Type 3 signs located along any portion of the primary system within an incorporated city or town or within any commercial or industrial area.

(1) Size of signs:

(a) The maximum area for any one sign shall be six hundred seventy-two square feet with a maximum height of twenty-five feet and maximum length of fifty feet inclusive of any border and trim but excluding the

base or apron, supports and other structural members: *Provided*, That cut-outs and extensions may add up to twenty percent of additional sign area.

(b) For the purposes of this subsection, double-faced, back-to-back or V-type signs shall be considered as two signs.

(c) Signs which exceed three hundred twenty-five square feet in area may not be double-faced (abutting and facing the same direction).

(2) Spacing of signs:

(a) Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

(b) On limited access highways established pursuant to chapter 47.52 RCW no two sign structures shall be spaced less than one thousand feet apart, and no sign may be located within three thousand feet of the center of an interchange, a safety rest area or information center, or within one thousand feet of an intersection at grade. Double-faced signs shall be prohibited. Not more than a total of five sign structures shall be permitted on both sides of the highway per mile.

(c) On noncontrolled access highways inside the boundaries of incorporated cities and towns not more than a total of four sign structures on both sides of the highway within a space of six hundred sixty feet shall be permitted with a minimum of one hundred feet between sign structures. In no event, however shall more than four sign structures be permitted between platted intersecting streets or highways. On noncontrolled access highways outside the boundaries of incorporated cities and towns minimum spacing between sign structures on each side of the highway shall be five hundred feet.

(d) For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure.

(e) Official signs, and signs advertising activities conducted on the property on which they are located (Type 2 and Type 3 signs) shall not be considered in determining compliance with the above spacing requirements. The minimum space between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply to signs located on the same side of the highway.

[Statutory Authority: Chapter 47.42 RCW. 85-17-012 (Order 96), § 468-66-110, filed 8/12/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-110, filed 12/20/78. Formerly WAC 252-40-095.]

WAC 468-66-120 Signs erected prior to June 1, 1971 in commercial and industrial areas along the primary system. Signs lawfully erected and maintained which are visible from the main-traveled way of the primary system within commercial and industrial areas on June 1, 1971 shall be permitted to remain and be maintained. Such signs, however, shall be included in the determination of spacing requirements for additional signs as permitted by WAC 468-66-110.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-120, filed 12/20/78. Formerly WAC 252-40-097.]

WAC 468-66-130 Signs to be removed. No sign visible from the main-traveled way of the interstate system, the primary system, or the scenic system which was there lawfully maintained immediately prior to May 10, 1971 but which does not comply with the provisions of the act and these regulations, shall be maintained by any person:

(1) After May 10, 1974; or

(2) With respect to any highway hereafter designated by the legislature as a part of the scenic system, after three years from the effective date of the designation.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-130, filed 12/20/78. Formerly WAC 252-40-098.]

WAC 468-66-140 Permits. (1) No signs except Type 1, Type 2, or Type 3 signs shall be erected or maintained adjacent to interstate system, primary system, or scenic system highways without a permit issued by the department of transportation. Permits for erection and maintenance of signs adjacent to the interstate system, primary system, or scenic system will be issued by the department of transportation in accordance with this chapter.

(2) Applications for permits (except for Type 8 signs) will be accepted only at the Department of Transportation Headquarters Office, Olympia, Washington. Applications transmitted by mail shall be effective from date of receipt rather than of mailing.

(3) Application forms shall contain:

(a) The name and address of the owner of the sign;

(b) A statement and the signature of the owner or occupant of the land on which the sign is to be erected or maintained indicating that he has consented thereto;

(c) A statement of the precise location where the sign is to be erected or maintained;

(d) A statement of the proposed size and shape of the sign. An application for a Type 5 sign to be erected along the interstate system shall contain a description of the copy to be placed on the sign;

(e) Such other information as may be required by the department;

(f) For Type 8 signs, application forms must be submitted to the appropriate department of transportation district office and submittals must include, in addition to (a) through (e) of this subsection, an exact description of the location of the temporary agricultural business activity, a description of the proposed sign copy, identification of the products sold, expected weeks/months of sales, and assigned tax number. After approval of the application by the transportation district office, the sign may be erected at the beginning of the sale season and must be removed at the end of the sale season. Approved applications shall be valid for five consecutive years from the date of application approval. A new application must be submitted and approved prior to erection of a sign at a location where the five-year validation has expired.

For any Type 8 sign not in compliance with this chapter, the department of transportation shall request the attorney general on its behalf to institute legal proceedings to cause such sign to be removed as an illegal sign without payment of compensation.

Subsections (5) through (10) of this section do not apply to Type 8 signs.

(4) Applications shall be accompanied by a fee of ten dollars for each sign.

(5) Permits shall be for the calendar year and shall be renewed annually upon payment of said fee for the new year without the filing of a new application except as provided in WAC 468-66-090. Fees shall not be pro-rated for fractions of the year. Any moneys paid to the department of transportation for a sign permit shall be credited first to the payment of any annual permit or renewal fee for such sign due for any prior year. The department shall not accept payment for the current year renewal fee until all due and unpaid permit and renewal fees for prior years have been paid.

(6) Prior to December 1 of each year the department of transportation shall notify in writing the owner of every sign for which a permit is required under RCW 47-42.120 and this section but for which no sign permit was obtained or renewed for the then current calendar year, that all unpaid permit and renewal fees for such sign and the renewal fee for such sign due in the calendar year to commence on the following January 1 shall be due and payable not later than the following February 1. The notice shall further state that if all such fees have not been paid by February 1, legal proceedings will be instituted to cause removal of such sign as an illegally maintained sign.

(7) Following the notice specified in subsection (6) of this section, if all due and unpaid permit and renewal fees are not received for any sign for which a permit is required by the date specified, the department of transportation shall request the attorney general on its behalf to institute legal proceedings to cause such sign to be removed as an illegal sign without the payment of compensation therefor.

(8) Changes in size, shape, or position of a permitted sign shall be reported to the department of transportation at Olympia at least ten days before a change is to be made. In the case of Type 5 signs permitted along the interstate system, changes in copy shall be reported to the department at Olympia at least ten days before a change is to be made.

(9) Assignment of permits in good standing shall be effective only upon receipt of assignment by the department of transportation.

(10) Every permit issued by the department shall be assigned a separate identification number, and it shall be the duty of each permittee to fasten to each sign a weatherproof label, not larger than six square inches, which shall be furnished by the department and on which shall be plainly visible the said permit number. The permittee shall also place his name in a conspicuous position on the front or back of each sign.

(11) A permit issued under this chapter does not relieve the permittee from the duty to comply with all local rules, regulations, and ordinances pertaining to signs and sign structures.

[Statutory Authority: RCW 47.42.060. 88-22-002 (Order 116), § 468-66-140, filed 10/20/88. Statutory Authority: Chapter 47.42 RCW. 87-01-055 (Order 107), § 468-66-140, filed 12/16/86; 85-17-012 (Order 96), § 468-66-140, filed 8/12/85. Statutory Authority: RCW 47.42.060. 80-04-095 (Order 52), § 468-66-140, filed 4/1/80. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-140, filed 12/20/78. Formerly WAC 252-40-100.]

WAC 468-66-150 Penalties. (1) After hearing, as required by chapter 34.04 RCW (Administrative Procedure Act) and the rules and regulations of the department of transportation adopted pursuant thereto, any permit may be revoked without refund by the department for any of the following reasons:

(a) For the making of any false or misleading statements in the application for any permit, whether or not the same is material to or relied upon by the department in the issuance of such permit when such false or misleading statement or information shall remain uncorrected after the expiration of thirty days following written notification thereof.

(b) For allowing or suffering any sign to remain in a condition of disrepair or unreasonable state of repair after the expiration of thirty days following written notification thereof.

(c) For maintaining any sign, for which a permit has been issued, in violation of any provision of the act or these regulations after the expiration of thirty days following written notification thereof.

(d) For any convictions of a violation of the act or any of these regulations, any permit held by the convicted person may be revoked whether or not such violation is related to the sign for which the permit is revoked.

(e) For maintaining a discontinued sign as defined in WAC 468-66-010(6), or for not erecting a sign structure with advertising on a permitted site within six months of the date of permit issue. A notice of failure to erect the sign structure will be sent after three months, and the sign must be erected within three months of the notice.

(2) Notice whenever required herein shall be given to the person entitled thereto by registered mail at the last known address of such person which shall be such address as may be on file with the department, if any, otherwise the last address of such person shown by the tax records of the county in which the real property upon which the sign in question is maintained.

(3) Computation of time when dependent upon giving of notice shall relate to the day of mailing such notice rather than the day of receipt.

[Statutory Authority: RCW 47.42.060. 86-01-063 (Order 99), § 468-66-150, filed 12/17/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-150, filed 12/20/78. Formerly WAC 252-40-110.]

WAC 468-66-175 Highway fatality markers. Pursuant to RCW 47.42.180, the district administrator or his designee shall administer the highway fatality

marker demonstration program in accordance with the rules prescribed in this section.

(1) "Highway fatality marker" means a nonreflective white cross, having an installed vertical dimension not to exceed three feet and a horizontal member not to exceed two feet, with these members not to exceed one inch by two inches nominally, placed at or near the location of a traffic fatality occurring after December 31, 1982. Also, up to five demonstration signs giving information about the fatality marker program, not to exceed thirty-two square feet and of professional quality, may be installed as part of the markers. Each marker represents one life lost.

(2) Highway fatality markers may be installed along state route number 26 between the cities of Vantage and Colfax, state route number 270 from the city of Pullman to the Washington and Idaho border, and state route number 195 between the cities of Colfax and Pullman.

(3) The markers and sign shall be installed on private property as close as practicable to the highway right of way, and placed in a manner to maximize the marker's visibility without obstructing drivers' view of the roadway or traffic control devices.

(4) By letter of permit, the district administrator authorizes the installation of fatality markers after receiving a written request from the legislative authority of any county, city or town, or other private individuals and groups located within the demonstration project area. Written requests must include a consent statement of the owner or lessee of the land on which the marker is to be placed. The message to be placed on the demonstration sign must receive the concurrence of the district administrator.

(5) Upon request, the department will provide information regarding the location of fatal traffic accidents occurring after December 31, 1982, within the demonstration area.

(6) An applicant with a letter of permit is responsible for the erection and maintenance of the marker. The applicant is also responsible for submitting a request to amend the existing permit.

(7) The permittee shall immediately remove markers that are unlawfully erected or are not in compliance with this section, or where removal is requested by the immediate family of the deceased.

(8) As soon as practicable, following the expiration of this section, the permittee or landowner shall remove the markers from view of the highway.

(9) This section shall expire December 31, 1992.

[Statutory Authority: RCW 47.42.060. 88-22-002 (Order 116), § 468-66-175, filed 10/20/88.]

Chapter 468-70 WAC MOTORIST INFORMATION SIGNS

WAC

468-70-010	General.
468-70-020	Definitions.
468-70-030	Location of panels and signs.
468-70-040	Interchange and intersection selection for specific information panels.

468-70-050	Business eligibility.
468-70-060	Signing details.
468-70-070	Permits and procedure.
468-70-080	Fee schedule.
468-70-085	Maintenance replacement of pictorial business signs manufactured by the department prior to January 1, 1987.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

468-70-990	Appendix A—Typical signing for single exit interchange on the interstate system. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-70-990, filed 12/20/78. Formerly WAC 252-42-900.] Repealed by 85-17-012 (Order 96), filed 8/12/85. Statutory Authority: Chapter 47.42 RCW.
468-70-99001	Appendix B—Typical signing for double exit interchange on the interstate system. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-70-99001, filed 12/20/78. Formerly WAC 252-42-901.] Repealed by 85-17-012 (Order 96), filed 8/12/85. Statutory Authority: Chapter 47.42 RCW.
468-70-99002	Appendix C—Typical signing for single exit interchange for a freeway or expressway part of the primary or scenic system. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-70-99002, filed 12/20/78. Formerly WAC 252-42-902.] Repealed by 85-17-012 (Order 96), filed 8/12/85. Statutory Authority: Chapter 47.42 RCW.
468-70-99003	Appendix D—Typical signing for double exit interchange and at-grade intersections for a freeway or expressway part of the primary or scenic system. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-70-99003, filed 12/20/78. Formerly WAC 252-42-903.] Repealed by 85-17-012 (Order 96), filed 8/12/85. Statutory Authority: Chapter 47.42 RCW.
468-70-99004	Appendix E—Typical signing for at-grade intersection on a conventional highway part of the primary or scenic system. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-70-99004, filed 12/20/78. Formerly WAC 252-42-904.] Repealed by 85-17-012 (Order 96), filed 8/12/85. Statutory Authority: Chapter 47.42 RCW.

WAC 468-70-010 General. (1) These rules and regulations implement, and are prescribed by, chapter 80, Laws of 1974 ex. sess. (43rd Leg., 3rd ex. sess.) and chapter 47.42 RCW.

(2) The regulations provide for the installation of motorist information signs which will inform the motoring public of tourist services conveniently accessible from interstate, primary and scenic highways within the state.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-70-010, filed 12/20/78. Formerly WAC 252-42-005.]

WAC 468-70-020 Definitions. (1) When used in these regulations the terms: Sign, business sign, commercial and industrial areas, commission, interstate system, primary system, scenic system, and specific information panel shall have the same meaning as set forth in the act.

(2) When used in these regulations the term:

(a) "Act" shall mean the Highway Advertising Control Act of 1961 as amended by chapter 80, Laws of

1974 ex. sess. (43rd Leg., 3rd ex. sess.) and chapter 47-42 RCW.

(b) "Conventional road" shall mean a primary or scenic highway which is not an expressway or freeway.

(c) "Department" shall mean the Washington state department of transportation.

(d) "Expressway" shall mean a divided arterial highway for through traffic with partial control of access and grade separations at most major intersections.

(e) "Freeway" shall mean an expressway with full control of access, and grade separations over the entire length of the numbered highway route.

(f) "Motorist service activity" shall mean a business furnishing gas, food, lodging, camping and/or related tourist services.

(g) "Owner" shall mean a person who owns or operates a motorist service activity and who has authority to enter into and be bound by agreements relevant to matters covered by these regulations.

(h) "Supplemental directional panel" shall mean a motorist informational panel located on, opposite, or at the terminus of an exit ramp bearing business sign for a qualified motorist service activity and directional information.

(i) "Trade name" shall mean any brand name, trade mark, distinctive symbol or other similar device or thing used to identify a particular motorist service.

(j) "Urban area" shall mean an area including and adjacent to a municipality or other place of five thousand or more population as shown by the latest available federal census.

(k) "Qualified tourist-oriented business" means any lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

(l) "Tourist-oriented directional (TOD) sign" means a sign on a specific information panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.

[Statutory Authority: Chapter 47.42 RCW. 86-08-023 (Order 103), § 468-70-020, filed 3/25/86; 85-17-012 (Order 96), § 468-70-020, filed 8/12/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-70-020, filed 12/20/78. Formerly WAC 252-42-010.]

WAC 468-70-030 Location of panels and signs. (1) Specific information panels will be provided on interchange approaches and in advance of intersections. Where a qualified type of motorist activity is not present, a panel will not be erected. Generally, these panels should be located near the right of way line and readable from the main traveled way. Normally, the panels will be erected as follows:

(a) For freeways and interchanges on expressways the panels shall be erected between the previous interchange and at least eight hundred feet in advance of the exit direction sign at the interchange from which the services are available. There shall be at least eight hundred feet spacing between the panels, and there will be one panel

each for GAS, FOOD, LODGING, and CAMPING/RECREATION except as provided in (c) of this subsection.

(b) For conventional roads the panels shall be erected between the previous intersection and at least three hundred feet in advance of the intersection from which the services are available, signing should not be provided to any service visible at least three hundred feet along the mainline prior to the intersection or driveway approach serving the business. There will be one panel each for GAS, FOOD, LODGING, and CAMPING/RECREATION, except as provided in (c) of this subsection.

(c) At remote rural interchanges and on conventional road intersections, not more than two types of business activities may be combined on one panel. No more than two logos per activity may be displayed. Ramp panels to direct motorists to the right or to the left may display more than one type of business activity. No other mixed panels may be used.

(2) Information for specific information panels on expressways/freeways will be repeated on the supplemental directional panels located along the interchange ramps or at the ramp terminal where the services are not visible from the ramp.

(3) One tourist-oriented directional (TOD) sign panel may be placed in advance of the GAS, FOOD, LODGING, and CAMPING/RECREATION specific information panels. Spacing shall be the same as for the specific information panels. For interchanges supplemental TOD sign assemblies will be repeated along the ramps or at ramp terminals where the activities are not visible from the ramp. TOD sign panels are not allowed in lieu of the GAS, FOOD, LODGING, and CAMPING/RECREATION specific information panels, or along interstate highways.

(4) The spacing between sign panels, and between sign panels and official traffic control signs shall be in accordance with the *Manual on Uniform Traffic Control Devices*. Where there is insufficient spacing for both of official traffic control signs and specific information/TOD sign panels, the official traffic control signs only shall be installed.

[Statutory Authority: Chapter 47.42 RCW. 86-08-023 (Order 103), § 468-70-030, filed 3/25/86; 85-17-012 (Order 96), § 468-70-030, filed 8/12/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-70-030, filed 12/20/78. Formerly WAC 252-42-020.]

WAC 468-70-040 Interchange and intersection selection for specific information panels. (1) On an *interstate, primary, or scenic highway* the interchange or intersection must:

(a) For interchanges consist of both an exit and entrance ramp: *Provided*, That where an entrance ramp is not present an interchange will qualify if an entrance ramp is reasonably and conveniently located, in the determination of the department, so as to permit a motorist to proceed without undue indirection or use of poor connecting roads.

(b) For intersections provide a reasonable and convenient route, in the determination of the department, so as to permit a motorist to proceed without undue indirection or use of poor connecting roads.

(2) Specific information, and TOD (allowed on noninterstate highways only), sign panels may be erected at locations within the corporate limits of cities and towns and areas zoned for commercial and industrial uses where there is sufficient distance between interchanges or intersections to erect the signs in accordance with WAC 468-70-030(1). Where there is insufficient space available to install the array of GAS, FOOD, LODGING, CAMPING/RECREATION and TOD panels, panels are normally provided in that order of priority, except that district administrators may negotiate a revised priority at interchange/intersection locations with local officials. If there is no business interest in signing for any one activity at a location, and space allows, the next lower priority activity can be signed.

(3) Signing will be provided from the nearest interchange or intersection from the nearest freeway/expressway or from a conventional highway to the activity. Signing will not be provided from a freeway or expressway to another freeway or expressway.

[Statutory Authority: Chapter 47.42 RCW. 86-08-023 (Order 103), § 468-70-040, filed 3/25/86; 85-17-012 (Order 96), § 468-70-040, filed 8/12/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-70-040, filed 12/20/78. Formerly WAC 252-42-030.]

WAC 468-70-050 Business eligibility. (1) To be eligible for placement of a business sign on a specific information panel a motorist activity must conform to the following standards:

(a) Gas activity:

(i) Provide vehicle services including fuel, oil, lubrication, tire repair and water; and

(ii) Be in continuous operation at least sixteen hours a day, seven days a week; and

(iii) Provide restroom facilities, drinking water and a telephone access;

(iv) Specific information panels may be installed and existing signing will not be removed when the service facility is closed for a short period of time or when its hours of operation have been reduced as a result of a shortage of gasoline;

(v) Facilities not meeting the requirements of (i) of this subsection but have at least gas, oil, and water may qualify for signing provided that other facilities meeting the requirements of (i) of this subsection are available within the distances from the interchange as specified in subsection (3)(a) of this section.

(b) Food activity:

(i) Be licensed or approved by the county health office; and

(ii) Be in continuous operation for a minimum of twelve hours a day to serve three meals a day, breakfast, lunch, and dinner seven days a week; and

(iii) Have seats for a minimum of twenty patrons and/or parking and drive-in facilities for a minimum of ten vehicles; and

(iv) Provide telephone and restroom facilities.

(c) Lodging activity:

(i) Be licensed or approved by the Washington department of social and health services; and

(ii) Provide adequate sleeping and bathroom accommodations available without reservations for rental on a daily basis; and

(iii) Provide public telephone facilities.

(d) Camping activity (applicable only for activities on fully controlled limited access highways):

(i) Be licensed or approved by the Washington department of social and health services or county health office;

(ii) Consist of at least twenty camping spaces, at least fifty percent of which will accommodate tents, and have adequate parking, modern sanitary and drinking water facilities for such spaces; and

(iii) Have an attendant on duty to manage and maintain the facility twenty-four hours a day while in operation.

(e) Recreation activity (applicable only for activity on scenic system or primary system highways with partial access control or no access control):

(i) Consist of activities and sports of interest to family groups and the public generally in which people participate for purposes of active physical exercise, collective amusement or enjoyment of nature; e.g., hiking, golfing, skiing, boating, swimming, picnicking, camping, fishing, tennis, horseback riding, ice skating and gun clubs; and

(ii) Be licensed or approved by the state or local agency regulating the particular type of business; and

(iii) When the recreational activity is a campground, it must meet the criteria specified in WAC 468-70-050 (1)(d)(i) thru (iii).

(f) Tourist-oriented business activity (not applicable for activities on interstate highways):

(i) A natural, recreational, historical, cultural, educational, or entertainment activity, or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business seasons from motorists not residing in the immediate area of the activity.

(ii) Activities must be open to the motoring public without appointment, at least eight hours a day, five days a week including Saturday and/or Sunday.

(2) Distances prescribed herein will be measured from the center of the interchange or intersection along the centerline of the most direct public road to the facility access.

(3) The maximum distance that GAS, FOOD, LODGING, CAMPING or RECREATIONAL activities can be located on either side of an interchange or intersection to qualify for a business sign shall be as follows:

(a) From an interchange on a fully controlled limited access highway, GAS, FOOD and LODGING activities shall be located within three miles in either direction. CAMPING activities shall be located within five miles in either direction;

(b) From an interchange or intersection on a highway with partial access control or no access control, GAS, FOOD, LODGING, or CAMPING activities shall be located within five miles in either direction.

(c) Where there are fewer than the maximum number, as specified in WAC 468-70-060, of eligible services within the distance limits prescribed in subsection

(3)(a) and (b) of this section, the distance limits may be increased in three-mile increments up to a maximum of fifteen miles to complete the balance of allowable signs.

(d) From an interchange or intersection on a highway with partial access control or no access control, RECREATIONAL activities shall be located within ten miles in either direction. If within such ten mile limit there are fewer than the maximum number, as specified in WAC 468-70-060, of RECREATIONAL activities available, then activities of such type located within a fifteen mile limit shall qualify.

(e) Qualified tourist-oriented business must be located within fifteen miles of the state highway.

(f) Specific information panels or tourist-oriented directional panels will not be provided until the required supplemental panels, if needed, are installed by local agencies.

(g) Within cities and towns having a population greater than fifteen thousand, the department of transportation shall obtain concurrence from the municipality of locations for installing panels, and may have the municipality install the panels.

(4) A GAS, FOOD, LODGING, CAMPING/RECREATIONAL, or TOURIST-ORIENTED activity visible from the mainline at least three hundred feet prior to an intersection shall not qualify for a business sign on such highway.

(5) To be eligible for business sign placement or supplemental direction panel the activity must be eligible for specific information panel placement.

(6) When an activity qualifies for business sign placement on more than one type of information panel, placement will be made on that type of panel which, as determined by the department, best describes the main product or service.

(7) When appropriate, the department may require an applicant activity to file written assurances that adequate follow-through signing, as specified by the department, will be erected and maintained.

(8) Where operations are seasonal, business signs for each specific location shall be removed or covered during the appropriate period as determined by the department.

[Statutory Authority: Chapter 47.42 RCW. 87-01-054 (Order 106), § 468-70-050, filed 12/16/86; 85-17-012 (Order 96), § 468-70-050, filed 8/12/85. Statutory Authority: RCW 47.42.060. 85-03-031 (Order 94), § 468-70-050, filed 1/10/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-70-050, filed 12/20/78. Formerly WAC 252-42-040.]

WAC 468-70-060 Signing details. (1) Specifications. All specific information panels, supplemental directional panels, and business signs shall be constructed in accordance with the Washington state standard specifications, standard plans and amendments thereto. All business signs shall be constructed of a single piece of 0.063 inch thick aluminum. All panels and business signs shall be fully reflectorized to show the same shape and color both by day and night.

(2) Color of panels and signs:

(a) The background color for GAS, FOOD, LODGING, CAMPING and TOD specific information panels and supplemental directional panels shall be blue. The background color for RECREATION specific information panels

and supplemental directional panels shall be brown. The border and lettering on all such signs shall be white.

(b) The background color and letter color for business signs manufactured by the department shall be standard highway sign sheeting and inks which are available in white (silver), blue, black, yellow, red, orange, green, and brown. A description of business signs which the department will manufacture is provided in WAC 468-70-070 (8)(b).

(3) Composition of specific information panels:

(a) For interchanges, the maximum number of business signs which may be displayed on a specific information panel are six for gas and four each for food, lodging, camping/recreation and TOD activities. For intersections, all are limited to four business signs.

(b) Sign panel fabrication layouts, and business sign sizes, are provided in the Appendices of the Scenic Vista Act Booklet published by the Washington state department of transportation.

(i) The panel size shall be sufficient to accommodate the various sizes of business signs and directional information.

(ii) For qualifying businesses located more than one mile from an intersection the business sign shall show the mileage to the business to the nearest mile. For interchanges the mileage will be shown on the supplemental directional panel business signs installed along the interchange ramp or at the ramp terminal.

[Statutory Authority: Chapter 47.42 RCW. 87-01-054 (Order 106), § 468-70-060, filed 12/16/86; 86-08-023 (Order 103), § 468-70-060, filed 3/25/86; 85-17-012 (Order 96), § 468-70-060, filed 8/12/85. Statutory Authority: RCW 47.42.060. 85-03-031 (Order 94), § 468-70-060, filed 1/10/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-70-060, filed 12/20/78. Formerly WAC 252-42-050.]

WAC 468-70-070 Permits and procedure. (1) No business signs will be installed on information panels prior to issuance of a permit by the department. Permits will be issued by the department in accordance with this chapter.

(2) Permit applications will be accepted at the appropriate department of transportation district office in care of the district administrator. Applications transmitted by mail shall be effective from date of receipt rather than of mailing.

(3) One permit application will be for all the signing that the applicant will qualify for at a single interchange or intersection.

(4) Application, forms for which may be obtained from the department, shall contain the following information:

(a) Name and address of the owner of the business to be advertised.

(b) The highway for which the applicant seeks signing.

(c) A description of the interchange or intersection for which the business sign is to be installed.

(d) A statement of location including exact travel distance from the interchange or intersection and precise roads used for access.

(e) An agreement to limit the height of any on-premise sign to no greater than fifteen feet higher than the roof of the main building, for businesses located within one mile of an interchange or intersection. (Not applicable along interstate highways if the sign is not visible to the highway.)

Pursuant to RCW 47.42.046, for on-premise signs visible along rural interstate highways the department may waive the fifteen-foot height requirement, on a case-by-case basis, where granting the waiver will not preclude another business having an on-premise sign which complies with the fifteen-foot height requirement from receiving business signs.

(f) Such other information as may be required by the department.

(5) Each permit application will include a sketch, drawing or picture of the message to be placed on the business signs. The department shall have final approval of the design of the business sign and may modify such submissions to achieve uniformity.

(6) A standard application processing fee of seventy-five dollars will accompany each application. Such fee will be returned if an application is denied or if after approval the activity is not signed for reasons caused by the department.

(7) Any party aggrieved by an application determination of the department shall be accorded hearing rights before the secretary of transportation or his designee pursuant to chapter 34.04 RCW.

(8) Fabrication and installation of business signs:

(a) Once an application is approved, the department will request the business to provide the signs for installation. Such signs shall be built to the department's specifications prescribed by WAC 468-70-060. Prior to installation the business shall be billed and pay for the installation cost prescribed in WAC 468-70-080.

(b) When requested by a business, the department will manufacture business signs composed of standard solid color background with standard die cut or silk screened highway sign letters used for messages. The department does not manufacture business signs having nonstandard colors, nonstandard letters, or pictorial business symbols or trademarks. The manufacturing and installation fees for signs manufactured by the department are prescribed in WAC 468-70-080.

(9) Business sign annual permit, maintenance, and replacement:

(a) For a business which provides its own signs to the department, an annual permit fee of ten dollars shall be charged.

Maintenance replacement signs shall be provided by the business, when requested by the department to replace weather worn signs. After installation the business will be billed for the installation cost as prescribed in WAC 468-70-080.

(b) For signs manufactured and maintained by the department, an annual maintenance fee shall be paid, as prescribed in WAC 468-70-080, for each business sign.

(c) Annual permit renewal and maintenance fees shall be paid by February 1 of the calendar year it is due.

These fees will not be prorated for fractions of the year in the event of business sign removal or coverage. Failure to pay the annual fee by February 1 of the year due will cause the permit to expire and the business signs will be removed from the back panels.

(10) In the event of change of ownership or operation, assignment of permits in good standing shall be effective only upon receipt of assignment by the department.

(11) Revocation and expiration:

(a) After hearing before the secretary of transportation or his designee, as required by chapter 34.04 RCW (Administrative Procedure Act) and the rules and regulations of the department adopted pursuant thereto, any permit may be revoked by the secretary or the secretary's designee who has conducted the hearing for any of the following reasons:

(i) For the making of any false or misleading statements in the application for any permit, whether or not the same is material to or relied upon by the department in the issuance of such permit when such false or misleading statement or information shall remain uncorrected after the expiration of thirty days following written notification thereof.

(ii) For allowing or suffering any on-premise sign to remain that does exceed the height requirements set forth in the act or this chapter.

(iii) For failure to provide the services and/or facilities required by WAC 468-70-050 and this section.

(b) If a permit is revoked or is allowed to expire, a new application may be accepted by the department and the application must meet the requirements of any other new application.

[Statutory Authority: RCW 47.42.046 and 47.42.047, 88-22-001 (Order 115), § 468-70-070, filed 10/20/88. Statutory Authority: Chapter 47.42 RCW, 87-01-054 (Order 106), § 468-70-070, filed 12/16/86; 85-17-012 (Order 96), § 468-70-070, filed 8/12/85. Statutory Authority: 1977 ex.s.c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-70-070, filed 12/20/78. Formerly WAC 252-42-060.]

WAC 468-70-080 Fee schedule. (1) The installation charge for each business sign provided by the business to the department is eighty dollars for new installations, and replacement installations of weather worn signs.

(2) Manufacturing and installation charge for department manufactured signs.

(a) Interstate, primary, and scenic freeways and expressways.

(i) "GAS, FOOD, LODGING, CAMPING/RECREATION, or TOD"—lettered business sign to be installed on a specific information panel \$320.00

(ii) "GAS, FOOD, LODGING, CAMPING/RECREATION, or TOD"—lettered business sign to be installed on a supplemental directional panel \$100.00

(b) Primary or scenic highways that are conventional roads. "GAS, FOOD, LODGING, RECREATION, or TOD" — lettered business sign to be installed on a specific information panel \$145.00

(3) The following schedule is the annual maintenance charge for department manufactured signs.

(a) Interstate, primary, and scenic freeways and expressways.

(i) "GAS, FOOD, LODGING, CAMPING/RECREATION, or TOD"—lettered sign on a specific information panel \$ 80.00

(ii) "GAS, FOOD, LODGING, CAMPING/RECREATION, or TOD"—lettered sign on a supplemental directional panel \$ 25.00

(b) Primary or scenic highways that are conventional roads. "GAS, FOOD, LODGING, RECREATION, or TOD" —lettered business sign on a specific information panel \$ 40.00

[Statutory Authority: Chapter 47.42 RCW. 87-01-054 (Order 106), § 468-70-080, filed 12/16/86; 85-17-012 (Order 96), § 468-70-080, filed 8/12/85. Statutory Authority: RCW 47.42.060. 85-03-031 (Order 94), § 468-70-080, filed 1/10/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-70-080, filed 12/20/78. Formerly WAC 252-42-070.]

WAC 468-70-085 Maintenance replacement of pictorial business signs manufactured by the department prior to January 1, 1987. (1) For business signs composed of nonstandard colors, nonstandard letters, or pictorial symbols or trademarks which were manufactured by the department prior to January 1, 1987, the department will manufacture and install only the first maintenance replacement of these signs that is required after January 1, 1987. Up to the time of replacement, the annual maintenance fee charged for each sign shall be:

(a) Interstate, primary, and scenic freeways and expressways.

(i) "GAS, FOOD, LODGING, CAMPING/RECREATION, or TOD" pictorial business sign on a specific information panel \$95.00

(ii) "GAS, FOOD, LODGING, CAMPING/RECREATION, or TOD" pictorial business sign on a supplemental direction panel \$30.00

(b) Primary or scenic highways that are conventional roads. "GAS, FOOD, LODGING, RECREATION, or TOD" pictorial business sign on a specific information panel \$50.00

After this one maintenance replacement by the department, the business owner will be responsible for subsequent maintenance replacement and the annual permit renewal fees and maintenance and replacement procedures for business-supplied signs, prescribed in WAC 468-70-070(9), will be followed.

(2) Businesses utilizing business signs composed of nonstandard colors, nonstandard letters, or pictorial symbols or trademarks which were manufactured by the department prior to January 1, 1987, may choose to provide their own maintenance replacement signs in accordance with the procedures in WAC 468-70-070(9) in lieu of the procedures described in subsection (1) of this section. The department shall notify each business of this choice by certified mail. The businesses shall be

provided thirty days to respond. If no response is received, the annual maintenance fee procedure will continue; however, the business may choose, in writing at a later date, to stop paying the maintenance fee and provide their own replacement signs. The department will not refund previously paid maintenance fees to businesses choosing the option of providing their own replacement signs.

[Statutory Authority: Chapter 47.42 RCW. 87-01-054 (Order 106), § 468-70-085, filed 12/16/86.]

Chapter 468-74 WAC JUNKYARDS ADJACENT TO HIGHWAYS

WAC

468-74-010 Definition of "unzoned industrial areas."

WAC 468-74-010 Definition of "unzoned industrial areas." In the administration of chapter 47.41 RCW, relating to the regulation and control of junkyards adjacent to highways, the term "unzoned industrial areas" shall be interpreted to mean those areas not zoned by county or municipal code, occupied by three or more separate and distinct industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered industrial activities:

(1) Agricultural, forestry, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands;

(2) Transient or temporary activities;

(3) Railroad tracks and minor sidings;

(4) Signs;

(5) Activities more than three hundred feet from the nearest edge of the right of way;

(6) Activities conducted in a building principally used as a residence;

(7) Activities not visible from the traffic lanes of the main traveled way;

(8) Junkyards, as defined in section 136, Title 23, United States Code.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-74-010, filed 12/20/78. Formerly WAC 252-44-010.]

Chapter 468-82 WAC REGULATIONS REGARDING PASS-THROUGH OF UNITED STATES URBAN MASS TRANSPORTATION ADMINISTRATION FUNDS FOR PUBLIC TRANSPORTATION TECHNICAL STUDIES

WAC

468-82-010 General purpose and applicability.

468-82-015	Definitions.
468-82-110	Application for technical study grant.
468-82-120	Department response to application.
468-82-200	Application prioritization criteria.

WAC 468-82-010 General purpose and applicability. (1) Purpose: These regulations are to assist local public agencies not located within standard metropolitan statistical area counties in applying for funds for studies relating to public transportation. These studies are intended to assist these local public agencies in meeting United States Urban Mass Transportation Administration planning requirements for further federal public transportation assistance and in assessing their own needs for public transportation.

(2) Applicability: These regulations apply to all cities, towns, counties, regional councils of government authorized to conduct planning studies pursuant to RCW 35.63.070, 35A.63.040, 36.70.060, or chapter 39.34 RCW, all metropolitan municipal corporations created pursuant to chapter 35.58 RCW and authorized to perform the function of metropolitan public transportation, all county transportation authorities created pursuant to chapter 36.57 RCW, all public transportation benefit areas created pursuant to chapter 36.57A RCW, and all Indian tribes recognized by the United States government, not located within standard metropolitan statistical area counties.

[Statutory Authority: RCW 47.01.101. 80-01-079 (Order 44), § 468-82-010, filed 12/26/79.]

WAC 468-82-015 Definitions. (1) "Department" means the Washington state department of transportation.

(2) "Local public agency" means any city, town, or county not associated with a county transportation authority created pursuant to chapter 36.57 RCW, public transportation benefit area created pursuant to chapter 36.57A RCW, or metropolitan municipal corporation created pursuant to chapter 35.58 RCW performing the function of metropolitan public transportation, any metropolitan municipal corporation created pursuant to chapter 35.58 RCW authorized to perform the function of metropolitan public transportation, any county transportation authority created pursuant to chapter 36.57 RCW, any public transportation benefit area created pursuant to chapter 36.57A RCW, any regional councils of government authorized to conduct planning studies pursuant to RCW 35.63.070, 35A.63.040, 36.70.060, or chapter 39.34 RCW, or any Indian tribe recognized by the United States government, not located within a standard metropolitan statistical area county.

(3) "Public transportation services" means scheduled or demand response services by any type of vehicle on land or water to transport any or all classes of people, using either contracted private or public equipment and/or the local public agency's own equipment.

(4) "Standard metropolitan statistical area county" means any county area so designated by the United States Bureau of Census, and, as a minimum, shall include the following counties: King; Pierce; Spokane; Snohomish; Yakima; Clark; Benton; and Franklin.

(5) "Technical study grant" means an obligation of UMTA funds by the agency to a local public agency for planning of public transportation services.

(6) "UMTA" means the Urban Mass Transportation Administration of the United States Department of Transportation.

[Statutory Authority: RCW 47.01.101. 80-01-079 (Order 44), § 468-82-015, filed 12/26/79.]

WAC 468-82-110 Application for technical study grant. (1) Eligible applicants: Any local public agency is eligible to receive a technical study grant from the department upon submission to the department of an application containing the information specified in subsection (2) of this section.

(2) Contents of application: No particular form is hereby specified for any application for a technical study grant. The application for such grant, however, shall be addressed to the department, signed by the chief executive officer of the local public agency, and include the following information and related materials:

(a) A brief description of the scope of work for which such grant would be used; and

(b) An indication of the dollar amount of the grant for which the application is being made, including a twenty percent matching share of local funds or in-kind services.

(3) Application period. The department shall accept applications received only during the month of March of each year; the last date for receipt of applications shall be March 31 of each year. During the month of January of each year, the department shall "remind" local public agencies of the application period using the Association of Washington Cities and the Washington Association of Counties newsletters and the A-95 Project Notification Process, as available. In the event the agency is notified by UMTA that funds for technical study grants are not forthcoming, the department shall cancel the application period in the same manner in which it would "remind" local public agencies.

[Statutory Authority: RCW 47.01.101. 80-01-079 (Order 44), § 468-82-110, filed 12/26/79.]

WAC 468-82-120 Department response to application. Upon receipt of an application for a technical study grant, the department shall:

(1) Determine whether or not the applicant is eligible to receive a technical study grant pursuant to WAC 468-82-110(1). In the event an applicant is ineligible, the applicant shall be notified immediately. Further department processing of the application shall be terminated.

(2) Review the application pursuant to the criteria established in WAC 468-82-200. In the event the department determines that the scope of work supplied by the applicant pursuant to WAC 468-82-110 (2)(a) does not sufficiently meet the purposes of WAC 468-82-010(1), the department may suggest, or ask the applicant to resubmit, a revised scope of work pursuant to WAC 468-82-110 (2)(a). Further department processing of the application shall be terminated in the event such revised

scope of work is not received by April 15 of the year of application. The department shall consider only one such revised scope of work.

(3) Evaluate the application's cost information provided for in WAC 468-82-110 (2)(b). Such evaluation shall be made based upon the department's experience in providing similar grants. The intent of such evaluation shall be to establish or verify a grant dollar amount which shall be commensurate to the work proposed to be undertaken by the applicant.

(4) Prioritize all applications based upon the criteria established in WAC 468-82-200. Only applications being processed on April 15 of the year of application shall be prioritized.

(5) Recommend to UMTA that those applications receiving highest priorities as determined pursuant to subsection (4) of this section be funded. Applications shall be recommended in decreasing order of such priorities until the entire UMTA technical studies grant allotment to the department for grants to local public agencies is allocated. All applicants shall be notified of either their applications recommendation or rejection by June 1 of the year of application.

[Statutory Authority: RCW 47.01.101. 80-01-079 (Order 44), § 468-82-120, filed 12/26/79.]

WAC 468-82-200 Application prioritization criteria. The department shall give first consideration to applications from local public agencies authorized to carry out physical projects and shall use the following criteria in prioritizing application from local public agencies for technical study grants:

(1) Transit development programs. The department shall give highest priority to applications designed to culminate in a transit development program for submittal to UMTA. Such transit development program shall consider a program period of five years and shall contain elements necessary to satisfy UMTA certification requirements.

(2) Special studies. The department shall give second highest priority to applications seeking to plan for special projects such as: Elderly and/or handicapped persons transportation and preliminary engineering for building construction.

(3) Feasibility studies. The department shall give third priority to applications seeking to test the feasibility of a need for new public transportation services.

(4) Updates. The department shall give last priority to applications seeking to update transit development programs within three years of the program's having been prepared through a technical study grant.

[Statutory Authority: RCW 47.01.101. 80-01-079 (Order 44), § 468-82-200, filed 12/26/79.]

Chapter 468-84 WAC

REGULATIONS REGARDING ADVANCED FINANCIAL SUPPORT PAYMENTS FOR THE CONDUCT OF PUBLIC TRANSPORTATION FEASIBILITY STUDIES

WAC

468-84-010	General purpose and applicability.
468-84-015	Definitions.
468-84-110	Application.
468-84-120	Department response to application.
468-84-130	Conditions of advanced financial support payments.
468-84-135	Conditions of grants.
468-84-200	Required elements of feasibility study.
468-84-210	Geographical extent.
468-84-220	Identification of related transportation operations.
468-84-230	Estimation of need.
468-84-240	Alternative management schemes.
468-84-250	Alternative funding sources.
468-84-260	Consideration of school district pupil transportation.
468-84-300	Submission of feasibility study to department.
468-84-310	Submission of municipal resolution to department.
468-84-320	Submission of municipal ordinance levying and collecting taxes to department.

WAC 468-84-010 General purpose and applicability. (1) Purpose. These regulations are to assist municipalities in determining the extent of residents' needs for public transportation and feasible, viable and suitable means of serving the needs through studies. The studies are intended to lead to informed decisions by municipal legislative bodies relating to their undertaking public transportation activities.

(2) Applicability. These regulations apply to all cities, towns, and counties not associated with county transportation authorities created pursuant to chapter 36.57 RCW, public transportation benefit areas created pursuant to chapter 36.57A RCW, or metropolitan municipal corporations created pursuant to chapter 35.58 RCW performing the function of metropolitan public transportation, all metropolitan municipal corporations created pursuant to chapter 35.58 RCW and authorized to perform the function of metropolitan public transportation, all county transportation authorities created pursuant to chapter 36.57 RCW, and all public transportation benefit areas created pursuant to chapter 36.57A RCW, which have not received an advanced financial support payment to develop a plan pursuant to RCW 36.57A.150.

[Statutory Authority: RCW 35.58.2712 and 1979 c 59. 79-12-036 (Order 39), § 468-84-010, filed 11/20/79.]

WAC 468-84-015 Definitions. (1) "Department" means the Washington state department of transportation.

(2) "Enrollment" means the number of pupils enrolled in a school district in October of the most recent year according to the management information services section of the office of public instruction.

(3) "Land area" means the territory, measured to the nearest tenth of a square mile, located within the corporate boundaries of the applicant municipality.

(4) "Municipality" means any city, town or county not associated with a county transportation authority

created pursuant to chapter 36.57 RCW, public transportation benefit area created pursuant to chapter 36.57A RCW, or a municipal corporation created pursuant to chapter 35.58 RCW performing the function of metropolitan public transportation, any metropolitan municipal corporation created pursuant to chapter 35.58 RCW authorized to perform the function of metropolitan public transportation, any county transportation authority created pursuant to chapter 36.57 RCW, or any public transportation benefit area created pursuant to chapter 36.57A RCW, which has not received an advanced financial support payment to develop a plan pursuant to RCW 36.57A.150.

(5) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made by the office of financial management.

(6) "Public transportation services" means scheduled or demand-response service by any type of vehicle on land or water to transport any or all classes of people using either contracted private or public equipment and/or the municipality's own equipment.

(7) "Pupil transportation system" means the service to transport pupils attending kindergarten through twelfth grades in public common schools using either contracted private or public vehicles and/or a school district's own vehicles.

[Statutory Authority: RCW 35.58.2712 and 1979 c 59. 79-12-036 (Order 39), § 468-84-015, filed 11/20/79.]

WAC 468-84-110 Application. (1) Eligible applicants. Any municipality is eligible to receive a one-time advanced financial support payment and the following municipalities are eligible to receive a grant in the 1980-81 state biennium

- (a) City of Bellingham
- (b) City of Bremerton
- (c) County of Clark
- (d) City of Everett
- (e) Grays Harbor transportation authority
- (f) Lewis public transportation benefit area
- (g) City of Longview (for City of Kelso)
- (h) Intercity transit commission (for cities of Olympia, Lacey and Tumwater)
- (i) Municipality of metropolitan Seattle
- (j) County of Pierce
- (k) City of Port Angeles
- (l) City of Prosser
- (m) City of Pullman
- (n) Snohomish County public transportation benefit area
- (o) City of Spokane
- (p) County of Spokane
- (q) City of Tacoma
- (r) City of Vancouver
- (s) County of Walla Walla
- (t) City of Yakima

from the department upon submission to the department of an application containing the information specified in subsection (2) of this section.

(2) Contents of application. No particular form is hereby specified for an application for an advanced financial support payment or a grant. The application for such payment or grant, however, must be addressed to the department, signed by the chief executive officer of the municipality, and include the following information and related materials:

(a) A copy of a minute entry or resolution of the municipality authorizing or directing that body, or a designated individual acting for that body, to apply for such payment or grant;

(b) The names of all school districts wholly or partly within the municipality and the school districts to be included in the study;

(c) A letter from each school district to be included in the study indicating knowledge of and support of the application;

(d) A school district board may pass a resolution indicating its unwillingness to cooperate in the study. The resolution must set forth the reasons for this unwillingness. A copy of any such resolution must be included with the application;

(e) A proposed budget indicating, at a minimum, the following information:

(i) Proposed expenditures by the following objects: Salaries and wages, personal services contracts, goods and services, travel, equipment, employee benefits, and capital outlays;

(ii) Budget period and anticipated period of planning project, if different.

[Statutory Authority: RCW 35.58.2712 and 1979 c 59. 79-12-036 (Order 39), § 468-84-110, filed 11/20/79.]

WAC 468-84-120 Department response to application. The department shall respond to applications on a "first-come, first-served" basis so that state biennial budget constraints can be observed. Therefore, upon receipt on an application for an advanced financial support payment or a grant, the department shall:

(1) Determine whether or not the application contains or includes all of the information or material required by WAC 468-84-110(2). In the event an application is incomplete, the applicant shall be notified within seven days of receipt of such application by the department, of the application's deficiencies and that further department processing of the application is being suspended until the department receives a properly completed application;

(2) Determine the most recent official office of financial management population of the applicant;

(3) Allocate one thousand five hundred dollars plus the product of one dollar times the sum of two-tenths the applicant's population and the applicant's nonfederally owned land area for distribution to the applicant. Under no circumstances will the amount allocated exceed the sum of fifty thousand dollars per applicant;

(4) Allocate the appropriate sum for each school district indicated in the completed application as supporting the study based upon the following scale:

- (a) More than 5,000 pupil enrollment school district:
- (i) First or largest district, seven thousand dollars;

- (ii) Each additional district, five thousand dollars;
- (b) 1,000-4,999 pupil enrollment school district:
 - (i) First or largest district, if none over 5,000 enrollment, five thousand dollars;
 - (ii) Each additional district, three thousand five hundred dollars;
 - (c) Less than 1,000 pupil enrollment school district, each district, one thousand dollars.

(5) Combine the sums from subsections (3) and (4) of this section for an advance financial support payment, or allocate the sum from subsection (4) of this section for a grant to an eligible municipality as specified in WAC 468-84-110(1); and

(6) Inform the pupil transportation office of the superintendent of public instruction of the department response to the applicant.

[Statutory Authority: RCW 35.58.2712 and 1979 c 59. 79-12-036 (Order 39), § 468-84-120, filed 11/20/79.]

WAC 468-84-130 Conditions of advanced financial support payments. (1) Payment constitutes a loan. Funds received by municipalities as advanced financial support payments constitute loans. Such a loan shall be repaid to the department by the recipient thereof not later than two years after the date such recipient received the advanced financial support payment. Repayment shall not be necessary in the event the study is completed within one year after the date such advanced payment was received; within six months of its receipt of the study and its recommendations, the municipal legislative authority passes a resolution adopting or rejecting all or part of the study; a copy of the resolution is transmitted to the department within one week of its adoption; and if the municipal legislative authority or the voters in such municipality do not elect to levy and collect taxes to support public transportation within two years after the date such advanced financial support payment was received.

(2) Obligation to perform a feasibility study. Following receipt of the advanced financial support payment, the municipality shall undertake and complete a feasibility study that meets the specifications contained in WAC 468-84-200 through 468-84-260, as well as specifications adopted by the department subsequent to receipt of such payment by a recipient.

[Statutory Authority: RCW 35.58.2712 and 1979 c 59. 79-12-036 (Order 39), § 468-84-130, filed 11/20/79.]

WAC 468-84-135 Conditions of grants. All grants shall be reimbursable for the work the municipality undertakes in completing the feasibility study element specified in WAC 468-84-260. No funds shall be reimbursed to the municipality until the municipality submits five copies of its final report to the department pursuant to WAC 468-84-300.

[Statutory Authority: RCW 35.58.2712 and 1979 c 59. 79-12-036 (Order 39), § 468-84-135, filed 11/20/79.]

WAC 468-84-200 Required elements of feasibility study. A feasibility study prepared pursuant to RCW 35.58.2712; and WAC 468-84-130(2) shall, as a minimum, contain the elements described in WAC 468-84-

210 through 468-84-260. Based upon the elements described in WAC 468-84-210 through 468-84-260, the study shall reach definite conclusions regarding the feasibility, viability and suitability of public transportation services. A conclusion that public transportation services are not feasible, viable or suitable is acceptable if supported by the study.

[Statutory Authority: RCW 35.58.2712 and 1979 c 59. 79-12-036 (Order 39), § 468-84-200, filed 11/20/79.]

WAC 468-84-210 Geographical extent. The feasibility study shall encompass the transportation needs of the population of the recipient municipality.

[Statutory Authority: RCW 35.58.2712 and 1979 c 59. 79-12-036 (Order 39), § 468-84-210, filed 11/20/79.]

WAC 468-84-220 Identification of related transportation operations. (1) The feasibility study shall identify any existing public or private transportation operations and affiliated facilities within the recipient municipality and the area within fifteen road miles of the recipient municipality's corporate boundary within the state of Washington; such identified operations shall include, at a minimum, the following:

- (a) Taxicab or jitney service;
- (b) Auto transportation companies holding and operating pursuant to certificates of public convenience and necessity from the Washington utilities and transportation commission;
- (c) Municipally operated public transit service;
- (d) School pupil transportation; and
- (e) Specialized transportation service for elderly, handicapped, or otherwise disadvantaged persons.

(2) The feasibility study shall identify the numbers of persons transported annually by, the individual passenger tariff schedules of and the fixed routes used by the operations cited in WAC 468-84-220(1).

[Statutory Authority: RCW 35.58.2712 and 1979 c 59. 79-12-036 (Order 39), § 468-84-220, filed 11/20/79.]

WAC 468-84-230 Estimation of need. (1) The feasibility study shall estimate the number of persons who would use public transportation service, if one were available for use within the municipality. In estimating this number, the municipality shall use the questionnaire technique, soliciting opinions and information from at least five percent of the municipality's residents and businesses.

(2) The feasibility study shall identify the most likely places of trip origin and destinations, including employment centers, employing more than fifty persons, governmental facilities and shopping centers with five or more commercial establishments.

(3) The feasibility study shall suggest a number of means to provide public transportation service and recommend the most feasible, viable and suitable, if any.

[Statutory Authority: RCW 35.58.2712 and 1979 c 59. 79-12-036 (Order 39), § 468-84-230, filed 11/20/79.]

WAC 468-84-240 Alternative management schemes. The feasibility study shall detail at least two alternative

organizational management schemes for operating a public transportation service. Such schemes shall consider alternative municipal organizations authorized by state law, and examine possible contractual relationships and/or municipal managerial organizational charts.

[Statutory Authority: RCW 35.58.2712 and 1979 c 59. 79-12-036 (Order 39), § 468-84-240, filed 11/20/79.]

WAC 468-84-250 Alternative funding sources. The feasibility study shall identify alternative federal, state and local funding sources for subsidizing public transportation services.

[Statutory Authority: RCW 35.58.2712 and 1979 c 59. 79-12-036 (Order 39), § 468-84-250, filed 11/20/79.]

WAC 468-84-260 Consideration of school district pupil transportation. The feasibility study shall consider consolidating, coordinating with or cooperating with all or any portion of the pupil transportation systems of each of the school districts specified in WAC 468-84-110 (b) and (c) with public transportation services. The study shall reach definite findings regarding the feasibility, viability and suitability of any consolidation, coordination, or cooperation. Any services, deemed feasible, viable and suitable, shall comply with all provisions of the National Highway Traffic Safety Administration highway safety program Standard 17 (317), "Pupil Transportation Safety." The findings shall be identified in a preliminary report and submitted to each school district included in the study and the department for review and comment. A school district shall make its comments on each finding within one month after its receipt of the preliminary report. The final report for the feasibility study shall include the comments from the school districts and how the comments are incorporated into the final report's findings.

[Statutory Authority: RCW 35.58.2712 and 1979 c 59. 79-12-036 (Order 39), § 468-84-260, filed 11/20/79.]

WAC 468-84-300 Submission of feasibility study to department. Any municipality receiving an advance financial support payment shall assemble all of the material prepared by it pursuant to WAC 468-84-200 into a single written study report and transmit two copies of the study report to the department and to its legislative body within thirteen months of the municipality's receipt of the advanced financial support payment.

Any municipality receiving a grant pursuant to WAC 468-84-135 shall transmit five copies of the final study report prepared by it pursuant to WAC 468-84-260 to the department and to its legislative body within thirteen months of the municipality's signing of the feasibility study agreement with the department.

[Statutory Authority: RCW 35.58.2712 and 1979 c 59. 79-12-036 (Order 39), § 468-84-300, filed 11/20/79.]

WAC 468-84-310 Submission of municipal resolution to department. Any municipality receiving either an advance financial support payment or a grant shall transmit a copy of its legislative resolution adopting or

rejecting all or part of the study report to the department within eighteen months and seven days of its receipt of the advanced support payment.

[Statutory Authority: RCW 35.58.2712 and 1979 c 59. 79-12-036 (Order 39), § 468-84-310, filed 11/20/79.]

WAC 468-84-320 Submission of municipal ordinance levying and collecting taxes to department. In the event any municipality receiving an advance financial support payment elects to levy and collect any tax to support public transportation, it shall transmit a copy of its ordinance implementing such tax to the department within one week of its adoption by the municipal legislative body.

[Statutory Authority: RCW 35.58.2712 and 1979 c 59. 79-12-036 (Order 39), § 468-84-320, filed 11/20/79.]

Chapter 468-85 WAC

REGULATIONS REGARDING ADVANCED FINANCIAL SUPPORT PAYMENTS FOR THE DEVELOPMENT OF COMPREHENSIVE TRANSIT PLANS

WAC

468-85-010	General purpose and applicability.
468-85-015	Definitions.
468-85-110	Application for advanced financial support payment.
468-85-120	Department response to application.
468-85-130	Conditions of advanced financial support payments.
468-85-200	Required elements of comprehensive transit plan.
468-85-210	Capital improvements element.
468-85-220	Level of service element.
468-85-230	System funding for initial year of operation element.
468-85-240	System of funding for the second through fifth years of operation element.
468-85-250	Relation to nearby transit operations element.
468-85-260	Prospects for geographic expansion of service area element.
468-85-270	Minorities, elderly, handicapped and low-income persons transportation service element.
468-85-280	Citizen participation element.
468-85-290	Coordinated planning element.
468-85-300	Submission of comprehensive transit plans to agency.
468-85-310	Review of comprehensive transit plan of public transportation benefit area.

WAC 468-85-010 General purpose and applicability. (1) Purpose: These regulations are to assist county transportation authorities and public transportation benefit areas in the development of comprehensive transit plans consistent with chapter 36.57A RCW and local developmental goals. The comprehensive transit plans are intended to lead to the development and management of regional public transit systems which are energy-efficient, provide viable transportation alternatives, offer availability to all elements of the public, and are responsive to the public need.

(2) Applicability: These regulations apply only to county transportation authorities created pursuant to chapter 36.57 RCW and to public transportation benefit areas created pursuant to chapter 36.57A RCW.

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-010, filed 12/17/79.]

WAC 468-85-015 Definitions. (1) "Department" means the Washington state department of transportation.

(2) "Comprehensive transit plan" means the official document required of every county transportation authority pursuant to RCW 36.57.070 and of every public transportation benefit area pursuant to RCW 36.57A.060.

(3) "County transportation authority" means an entity created pursuant to chapter 36.57 RCW.

(4) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made by the office of financial management.

(5) "Public transportation benefit area" means an entity created pursuant to chapter 36.57A RCW.

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-015, filed 12/17/79.]

WAC 468-85-110 Application for advanced financial support payment. (1) Eligible applicants: Any county transportation authority established pursuant to chapter 36.57 RCW and any public transportation benefit area established pursuant to chapter 36.57A RCW is eligible to receive a one-time advanced financial support payment from the department upon submission to the department of an application containing the information specified in subsection (2) of this section.

(2) Contents of application: No particular form is hereby specified for an application for an advanced financial support payment. The application for such payment, however, must be addressed to the department, signed by the chief executive officer of the applicant, and include the following information and related materials:

(a) A copy of a minute entry or resolution of the applicant authorizing or directing that body, or a designated individual acting for that body, to apply for such payment;

(b) In the event the applicant is a public transportation benefit area, a map indicating the precise boundaries of any unincorporated areas within the public transportation benefit area;

(c) An estimate of the population of the applicant;

(d) A proposed budget indicating proposed expenditures by the following objects: Salaries and wages, personal services contracts, goods and services, travel, equipment, employee benefits, and capital outlays; and

(e) A description of the methods anticipated to be used to secure citizen participation in the comprehensive transit planning process; such methods must ensure a reasonable opportunity is provided for input to be made by racial and ethnic minorities, low-income, elderly and handicapped individuals.

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-110, filed 12/17/79.]

WAC 468-85-120 Department response to application. The department shall respond to applications on a "first-come, first-served" basis. Therefore, upon receipt

of an application for an advanced financial support payment, the department shall:

(1) Determination of completeness: Determine whether or not the application contains or includes all of the information or material required by WAC 468-85-110(2). In the event an application is incomplete, the applicant shall be notified within seven days of receipt of such application by the department, of the application's deficiencies and that further department processing of the application is being suspended until the department receives a properly completed application;

(2) Determination of population: Request the office of financial management to determine the population of the applicant. Where the sum of the populations of the incorporated areas within the applicant's jurisdiction exceeds fifty thousand people, according to the most recently published estimate of the office of financial management, such request will not be made; the department shall, instead, proceed to allocate the maximum amount allowable to said applicant; and

(3) Allocation of funds: Allocate for distribution to the applicant as an advanced financial support payment the product of one dollar times the applicant's population as determined by the office of financial management or the department. Under no circumstances will the amount allocated exceed the sum of fifty thousand dollars per applicant.

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-120, filed 12/17/79.]

WAC 468-85-130 Conditions of advanced financial support payments. (1) Payment constitutes a loan: Funds received by county transportation authorities or public transportation benefit areas as advanced financial support payments constitute loans. Such a loan shall be repaid to the department by the recipient thereof not later than two years after the date such recipient received the advanced financial support payment. Repayment shall be waived in the event the voters in the appropriate county or public transportation benefit area fail to elect to levy and collect taxes authorized under chapters 35.95 or 82.14 RCW within two years after the date such advanced financial support payment was received.

(2) Obligation to develop a comprehensive transit plan: Following receipt of the advanced financial support payment, the county transportation authority or public transportation benefit area shall undertake and complete the development of a comprehensive transit plan that meets the specifications contained in WAC 468-85-200 through 468-85-290, as well as specifications adopted by the department subsequent to receipt of such payment by a recipient. In the development of such plan, a county transportation authority and public transportation benefit area shall ensure a reasonable opportunity for the receipt of citizens input and participation in the planning process is provided to racial and ethnic minorities; low-income, elderly, and handicapped individuals.

(3) Payment may constitute matching contribution: Any payment received pursuant to this chapter may be used as all or any portion of a matching contribution required for the receipt of federal funds, provided federal

law and applicable regulations allow such payment as a matching contribution, and provided, further, such federal funds are used to assist the recipient in the development of a comprehensive transit plan.

(4) Notice of election: The chief executive officer of a recipient of an advanced financial support payment or his/her designee shall inform the department of the date(s) chosen for a popular election(s) on taxation authorized by chapter 35.95 or 82.14 RCW to finance public transportation in the recipient's jurisdiction, in advance of such election(s).

(5) Required election: An election to determine whether or not taxes authorized by chapter 35.95 or 82.14 RCW will be levied and collected in the county or public transportation benefit area must be held within two years of the receipt of an advanced financial support payment.

(6) Notice of election results: The chief executive officer of a recipient of an advanced financial support payment or his/her designee shall inform the department of the election(s) results within ten days of the official certification.

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-130, filed 12/17/79.]

WAC 468-85-200 Required elements of comprehensive transit plan. A comprehensive transit plan prepared pursuant to RCW 36.57.070, 36.57A.060 and WAC 468-85-130(2) shall contain the elements described in WAC 468-85-210 through 468-85-290.

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-200, filed 12/17/79.]

WAC 468-85-210 Capital improvements element. The capital improvements element of the comprehensive transit plan shall identify anticipated capital improvements including the number, types, and passenger seating capacities of in-revenue-service vehicles, nonrevenue equipment; and the number and types of any proposed terminals, stations, shelters, parking facilities for potential system users, and garage and related vehicle maintenance facilities. Sites for fixed facilities need not be identified. Capital improvements shall be identified for the first five years of operation; the priorities and phasing of the acquisition of such improvements shall also be identified.

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-210, filed 12/17/79.]

WAC 468-85-220 Level of service element. The level of service element of the comprehensive transit plan shall contain the following information:

(1) User characteristics;
 (2) Trip characteristics;
 (3) Where scheduled service is anticipated in the plan, the frequency that in-revenue-service vehicles would pass selected points along proposed routes; and where a demand-responsive service is anticipated in the plan, the frequency that in-revenue-service vehicles would serve selected neighborhoods;
 (4) The days and hours of service operations;

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(5) The proposed means of facilitating public use of the proposed system; such means should include consideration of the following:

- (a) Shelters or benches;
- (b) Signing for loading and unloading locations;
- (c) Public timetables, where scheduled service is proposed;
- (d) Telephone information;
- (e) Advertisements in news media; and
- (f) Measures to review, update, and make available public information about the frequency of service and transit routes;

(6) The location within the proposed transit service area of the following items: Employment centers, employing more than fifty persons; governmental facilities; and shopping centers with five or more shopping opportunities; and

(7) Vehicle fuel consumption rated per mile traveled by type of vehicle.

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-220, filed 12/17/79.]

WAC 468-85-230 System funding for initial year of operation element. The comprehensive transit plan element dealing with system funding for the initial year of operation shall include, but need not be limited to, the following information:

(1) An itemized statement of the estimated costs of setting up and operating the recommended public transit system during the first twelve months of operation; such statement shall include, but not be limited to, separate cost estimates for the following items:

- (a) Vehicles and optional features, by type of vehicle;
- (b) External passenger-related facilities such as shelters, benches, signing, and parking facilities;
- (c) Garage, and vehicle maintenance facilities and equipment;
- (d) Marketing;
- (e) Administration; and
- (f) Maintenance and operations.

(2) Passenger fare levels, estimated public patronage, and estimated fare box revenue;

(3) The amount of federal assistance separated by operations and capital purposes;

(4) The amount of long term debt for the purchase of facilities and equipment;

(5) Whether any of the following sources of local public transit subsidy are anticipated to assist in the funding of the proposed system:

- (a) Household tax authorized by chapter 35.95 RCW;
- (b) Business and occupation tax authorized by chapter 35.95 RCW; or

(c) The .1%, .2%, or .3% sales and use tax in lieu of the household tax and business and occupation tax referenced immediately above; together with the rate(s) for any levied tax identified above and the estimated revenues from any such sources anticipated to be collected; (Assumptions made in order to estimate such revenues should be identified.)

(6) The amount of any state matching funds assumed. (Such amount shall equal the sum of either one state

dollar for each local dollar anticipated to be collected, as identified in WAC 468-85-230(5), or the amount of the motor vehicle excise tax mass transit levy authorized under RCW 35.58.272 through 35.58.279, whichever is less; minus the amount advanced by the department to a county transportation authority or public transportation benefit area for the development of a comprehensive transit plan pursuant to this chapter.)

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-230, filed 12/17/79.]

WAC 468-85-240 System of funding for the second through fifth years of operation element. The comprehensive transit plan element regarding system funding for the second through fifth years of operation shall contain the following information for each of those years:

(1) The estimated capital, maintenance, and operating costs of each aspect of the proposed public transit system identified as required in WAC 468-85-230(1) for the first year of operation and an identification of the proposed service life of all equipment acquired or proposed to be acquired; and

(2) The proposed sources of revenue and amounts of revenue, loans, and federal and state assistance to be used to offset such costs.

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-240, filed 12/17/79.]

WAC 468-85-250 Relation to nearby transit operations element. The comprehensive transit plan element regarding the proposed system's relation to nearby transit operations shall contain the following information:

(1) An identification of any existing public or private transit operations and affiliated facilities serving any area within the jurisdiction of the county transportation authority, public transportation benefit area, or within three road miles of either; such identified operations shall include, at a minimum, the following:

(a) Taxicab or jitney service;

(b) Auto transportation companies holding and operating pursuant to certificates of public convenience and necessity from the Washington utilities and transportation commission;

(c) Scheduled air passenger service;

(d) Rail passenger service;

(e) Municipally operated public transit service;

(f) School pupil transportation; and

(g) Specialized transportation service for elderly, handicapped, or low income persons;

(2) An explanation of how the proposed public transit service would integrate with and affect the use of services identified in WAC 468-85-250(1); and

(3) The location and description of any streets and roads channelizations or other special identification for public transit use.

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-250, filed 12/17/79.]

WAC 468-85-260 Prospects for geographic expansion of service area element. The comprehensive transit

plan of a public transportation benefit area shall include as a separate element consideration of the prospective enlargement of the transit service area (including areas located in adjacent counties) as well as consolidation of transit operations of the public transportation benefit area with municipal public transit systems.

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-260, filed 12/17/79.]

WAC 468-85-270 Minorities, elderly, handicapped and low-income persons transportation service element. The comprehensive transit plan shall include as a separate element an explanation of how the proposed public transit system will be made both accessible and available to elderly, handicapped people located within the transit service area, racial and ethnic minorities, and low-income people located within the transit service area. This element should meet current federal requirements if any funding is assumed in WAC 468-85-230(3).

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-270, filed 12/17/79.]

WAC 468-85-280 Citizen participation element. The comprehensive transit plan citizen participation element shall identify how citizens shall be consulted by the county transportation authority or public transportation benefit area. County transportation authorities and public transportation benefit areas shall ensure that they receive citizens' input on a continuing basis.

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-280, filed 12/17/79.]

WAC 468-85-290 Coordinated planning element. The comprehensive transit plan coordinated planning element shall include the following information:

(1) Comments on the comprehensive transit plan's compatibility with the adopted goals, objectives and policies for development by every unit of general purpose local government that is a member of or participant in the activities of governments of a county transportation authority or public transportation benefit area as well as every area-wide comprehensive planning organization that is located in whole or in part within the jurisdiction of that transit service planning entity.

(2) A commitment in writing by the officials of the county transportation authority or public transportation benefit area that a copy of the comprehensive transit plan and any updated portions thereof shall be supplied within thirty days of the official adoption thereof to the chief executives of every unit of general purpose local government located in whole or in part within the jurisdiction of that planning entity; every area-wide comprehensive planning organization, and engineering or public works department of any unit of general purpose local government, located in whole or in part within the jurisdiction of that planning entity; the department; and the district administrator and public transportation an planning engineer of the department.

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-290, filed 12/17/79.]

WAC 468-85-300 Submission of comprehensive transit plans to agency. A county transportation authority or public transportation benefit area shall assemble into a single written document all of the elements prepared by it pursuant to WAC 468-85-200 and transmit such document to the department.

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-300, filed 12/17/79.]

WAC 468-85-310 Review of comprehensive transit plan of public transportation benefit area. (1) Within sixty days of the receipt thereof, the department shall review any comprehensive transit plan submitted by a public transportation benefit area. The department shall determine whether or not such comprehensive transit plan can be "approved" on the basis of the following standards:

(a) The capital improvement program and anticipated upgrading costs are offset by the proposed system funding;

(b) The comprehensive transit plan as submitted contains all of the elements required by WAC 468-85-200;

(c) Such plan is consistent with the public transportation coordination criteria adopted pursuant to the Urban Mass Transportation Act of 1964, as amended.

(2) In the event such plan is approved, the department shall certify to the state treasurer that a public transportation benefit area that submitted a reviewed and approved plan is eligible to receive the motor vehicle excise tax proceeds authorized pursuant to RCW 35.58-.273, as now or hereafter amended, in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended.

(3) In the event a comprehensive transit plan is disapproved and a public transportation benefit area is determined to be ineligible to receive such motor vehicle tax proceeds, the department shall provide written notice to such entity within thirty days as to the reasons for the plan disapproval and the entity's ineligibility, together with notice that such public transportation benefit area may resubmit a corrected plan at any time.

[Statutory Authority: RCW 36.57A.150. 80-01-029 (Order 42), § 468-85-310, filed 12/17/79.]

Chapter 468-95 WAC

MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS

WAC

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(1989 Ed.)

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

Amendments to *Uniform Traffic Control Devices for Streets and Highways* 1978 edition (MUTCD). [Statutory Authority: RCW 47.36.030. 81-07-047 (Order 59), chapter 468-95 WAC, filed 3/16/81. Statutory Authority: Chapter 47.36 RCW. 80-04-045 (Order 51), chapter 468-95 WAC, filed 3/21/80. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), Amends MUTCD, Volumes I through VIII, filed 12/20/78. Formerly chapter 252-990 WAC.] Amendments to MUTCD were repealed by 85-01-056 (Order 93), filed 12/17/84. Statutory Authority: RCW 47.36-.030. Later promulgation of amendments to MUTCD (1978 edition), see Revision No. 2, WAC 468-95-010 through 468-95-090, as filed in 85-01-056 (Order 93).

WAC 468-95-010 General. The *Manual on Uniform Traffic Control Devices for Streets and Highways* 1978 edition (MUTCD), approved by the Federal Highway Administrator as the national standard for all highways open to public travel; published by the U.S. Department of Transportation, Federal Highway Administration, was duly adopted by Administrative Order No. 51 of the Secretary of Transportation dated March 17, 1980. Revision No. 1 of the 1978 edition was duly adopted by Administrative Order No. 59 of the Secretary of Transportation dated March 16, 1981. Revision No. 2 of the 1978 edition was duly adopted by Administrative Order No. 93 of the Secretary of Transportation dated 12/17/84. Revision No. 3 of the 1978 edition was duly adopted by Administrative Order 98 of the Secretary of Transportation dated 11/18/85. Revision No. 4 of the MUTCD was duly adopted by Administrative Order No. 108 of the Secretary of Transportation dated February 17, 1987. The manual includes in part many illustrations, some of which depend on color for proper interpretation. The reviser has deemed it inexpedient to convert these regulations and illustrations to the prescribed form and style of WAC and therefore excludes them from publication. Copies of the MUTCD, incorporating Revision No. 1, Revision No. 2, Revision No. 3, and Revision No. 4 may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The document is available for public inspection at the headquarters office and all district offices of the Washington state department of transportation. Further, each city, town, and county engineering office in the state will have a copy of the MUTCD with revisions in its possession.

[Statutory Authority: RCW 47.36.030. 87-05-043 (Order 108), § 468-95-010, filed 2/18/87; 85-23-041 (Order 98), § 468-95-010, filed 11/18/85; 85-01-056 (Order 93), § 468-95-010, filed 12/17/84.]

WAC 468-95-020 Parking for the disabled in urban areas. Pursuant to RCW 46.61.581 the following modifications to the MUTCD are established:

(1) A paragraph is added to MUTCD Section 2B-31, Urban Parking and Stopping Signs (R7 series). "A parking space or stall for a physically disabled person shall be indicated by a vertical sign with the international symbol of access, whose colors are white on a blue

background, described under RCW 70.92.120 and the notice 'State Disabled Parking Permit Required.'

(2) A paragraph is added to MUTCD Section 2B-32, Placement of Urban Parking Signs. "Signs indicating a parking space or stall for a physically disabled person shall be installed between thirty-six and eighty-four inches off the ground."

[Statutory Authority: RCW 46.61.581. 88-22-003 (Order 117), § 468-95-020, filed 10/20/88. Statutory Authority: RCW 47.36.030. 85-01-056 (Order 93), § 468-95-020, filed 12/17/84.]

WAC 468-95-025 Signing to regional shopping centers. Pursuant to section 1, chapter 469, Laws of 1987, a regional shopping center may be signed as a guide sign destination from state highways in accordance with the applicable sections of MUTCD Part II-D, Guide Signs – Conventional Roads, Part II-E, Guide Signs – Expressways, and Part II-F, Guide Signs – Freeways, and in accordance with subsections (1) through (8) of this section.

(1) There shall be at least five hundred thousand square feet of leasable retail floor space;

(2) There shall be at least three major department stores owned by national or regional retail chain organizations;

(3) The center shall be located within one highway mile of the state highway;

(4) The center shall generate at least nine thousand daily one-way vehicle trips to the center;

(5) Sufficient sign space shall be available for installation as specified in the MUTCD;

(6) Supplemental follow-through directional signing is required on county roads or city streets at key motorist decision points if the center is not clearly visible from the point of exit from the state highway and shall be installed by the city or county prior to installation of signs on the state highway;

(7) Signing on the state highway to a county road or city street that bears the name of the regional shopping center fulfills the statutory requirements for signing to those centers. Signing to shopping centers not having such signing shall be supplementary guide signs that are post mounted on the roadside;

(8) The costs of materials and labor for fabricating, installing, and maintaining regional shopping center signs shall be borne by the center.

[Statutory Authority: Chapter 47.36 RCW and 1987 c 469. 87-19-065 (Order 110), § 468-95-025, filed 9/16/87.]

WAC 468-95-030 No passing zone markings. The first paragraph of MUTCD Section 3B-3, is amended to read as follows:

Where center lines are installed, no-passing zone markings shall be established at vertical curves on two- and three-lane highways where an engineering study indicates passing must be prohibited because of inadequate sight distances or other special conditions.

Effective December 31, 1982, where center lines are installed, no-passing zone markings shall be established at horizontal curves on two- and three-lane highways where an engineering study indicates passing must be

prohibited because of inadequate sight distances or other special conditions except: Along highway sections of almost continuous horizontal curvatures such as in mountainous terrain no-passing zone markings shall not be established at horizontal curves. Such highway sections would otherwise require almost continuous no-passing zone markings which could restrict motorists from exercising judgment that it is safe to pass a slow moving vehicle and still be in compliance with chapter 46.61 RCW.

[Statutory Authority: RCW 47.36.030. 85-01-056 (Order 93), § 468-95-030, filed 12/17/84.]

WAC 468-95-040 Meaning of signal indications. Pursuant to RCW 46.61.055, the first sentence of paragraph 3, Item (c), of MUTCD Section 4B-5, is amended to read as follows:

Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way or two-way street into a one-way street, after stopping as required by (a) and (b) above.

[Statutory Authority: RCW 47.36.030. 85-01-056 (Order 93), § 468-95-040, filed 12/17/84.]

WAC 468-95-050 Meaning of lane-use control indications. Pursuant to RCW 46.61.072, paragraph 2 of MUTCD Section 4E-9, is amended to read as follows:

A steady **YELLOW X** or a flashing **RED X** means that a driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change is being made, and to avoid occupying that lane when a steady **RED X** is displayed.

[Statutory Authority: RCW 47.36.030. 85-01-056 (Order 93), § 468-95-050, filed 12/17/84.]

WAC 468-95-060 When children are present. The following supplemental paragraph is hereby added to section 7B-12, "School Speed Limit Signs (S4-1, S4-2, S4-3, S4-4)," of the MUTCD:

The supplemental or lower panel of a "SCHOOL SPEED LIMIT 20" sign which reads "WHEN CHILDREN ARE PRESENT" shall indicate to the motorist that the 20 mile per hour school speed limit is in force under the following conditions:

(1) School children are occupying or walking within the marked crosswalk.

(2) School children are waiting at the curb or on the shoulder of the roadway and are about to cross the roadway by way of the marked crosswalk.

(3) School children are present or walking along the roadway, either on the adjacent sidewalk or, in the absence of sidewalks, on the shoulder within the posted school speed limit zone which extends 300 feet in either direction from the marked crosswalk.

[Statutory Authority: RCW 47.36.030. 85-01-056 (Order 93), § 468-95-060, filed 12/17/84.]

WAC 468-95-070 Meaning of signal indications. Pursuant to RCW 46.61.055, the first sentence of paragraph 3 applicable only to CIRCULAR RED OR RED arrow,

of MUTCD Section 7D-5, is amended to read as follows:

Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way or two-way street into a one-way street, after stopping as required by (1) and (2) above.

[Statutory Authority: RCW 47.36.030. 85-01-056 (Order 93), § 468-95-070, filed 12/17/84.]

WAC 468-95-080 Functions. Pursuant to RCW 47.36.050 and 47.36.080, paragraph 2 of MUTCD Section 8A-1, is amended to read as follows:

With due regard for safety and for the integrity of operations by highway and railroad users, the highway agency and the railroad company are entitled to jointly occupy the right of way in the conduct of their assigned duties. This requires joint responsibility in the traffic control function between the public agency and the railroad.

[Statutory Authority: RCW 47.36.030. 85-01-056 (Order 93), § 468-95-080, filed 12/17/84.]

WAC 468-95-090 County road signing. Pursuant to RCW 36.75.300, there is added to the MUTCD, the following regulation pertaining to signing of county roads:

The legislative authority of each county may by resolution classify and designate portions of the county roads as primitive roads where the designated road portion:

- (1) Is not classified as part of the county primary road system, as provided for in RCW 36.86.070;
- (2) Has a gravel or earth driving surface; and
- (3) Has an average annual daily traffic of one hundred or fewer vehicles.

Any road designated as a primitive road shall be marked with a "PRIMITIVE ROAD" sign at all places where the primitive road portion begins or connects with a highway other than a primitive road.

A sign with the caption "CAUTION - NO WARNING SIGNS" may be installed on the same post with the "PRIMITIVE ROAD" sign, and may be individually erected at intermediate points along the road section if conditions warrant. In addition, a sign with the caption "NEXT.....MILES" may be installed on the same post below the "CAUTION - NO WARNING SIGNS" sign.

The designs of the "PRIMITIVE ROAD, CAUTION - NO WARNING SIGNS, and NEXT.....MILES" signs are available for public inspection at the headquarters office and all district offices of the Washington state department of transportation.

[Statutory Authority: RCW 47.36.030. 85-01-056 (Order 93), § 468-95-090, filed 12/17/84.]

Chapter 468-100 WAC

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION

WAC

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SUBPART A
GENERAL

WAC 468-100-001 Purpose and scope. (1) This chapter promulgates rules to implement chapter 8.26 RCW (Relocation assistance—Real property acquisition policy).

(2) **Conflicts:** In the event of any conflict between these regulations and the provisions of chapter 8.26 RCW or any other applicable law, the statutory provisions are controlling.

(3) Notwithstanding anything to the contrary in this chapter, any displacing agency, where otherwise authorized, may make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by this chapter, and may comply with regulations promulgated pursuant to other authority, if the making of such payment or compliance with such requirements is necessary under federal law or regulations to secure federal financial assistance.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-001, filed 8/14/89, effective 9/14/89.]

WAC 468-100-002 Definitions. Certain terms used in this chapter are defined as follows:

(1) **Agency:** Means the state agency or local public agency which acquires the real property or displaces a person.

(2) **Appraisal:** Means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

(3) **Business:** Means any lawful activity, except a farm operation, that is conducted:

(a) Primarily for the purchase, sale, lease, and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or

(b) Primarily for the sale of services to the public; or

(c) Solely for the purpose of WAC 468-100-303, conducted primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or

(d) By a nonprofit organization that has established its nonprofit status under applicable federal or state law.

(4) **Comparable replacement dwelling:** Means a dwelling which meets the additional rules in WAC 468-100-403 and which:

(a) Is decent, safe, and sanitary according to the definition in WAC 468-100-002(6).

(b) Is functionally similar to the displacement dwelling with particular attention to the number of rooms and living space.

(c) Is adequate in size to accommodate the occupants.

(d) Is located in an area that is not subject to unreasonable adverse environmental conditions, is not generally less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and is reasonably accessible to the person's place of employment. Comparables may be used from neighborhoods similar to that of the acquired dwelling.

(e) Has a site that is typical in size for residential development with normal site improvements, including customary landscaping. The replacement site need not include either a special improvement or a major exterior attribute of the displacement site in accordance with WAC 468-100-403 (1)(b).

(f) Is currently available to the displaced person on the private market. However, a comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance.

(g) Is priced within the financial means of the displaced person.

(i) For a one hundred eighty-day owner-occupant described at WAC 468-100-401, a comparable dwelling is considered to be within the displacee's financial means.

(ii) For a ninety-day tenant-occupant described at WAC 468-100-402, a comparable dwelling is considered to be within the displacee's financial means if after application of the rental assistance payment, described in said section, the displacee's portion of the monthly rent plus utilities would be thirty percent or less of his total monthly income from all sources.

(iii) For a displaced person who is not eligible to receive a replacement housing payment under WAC 468-100-402 due to failure to meet the length of occupancy requirements, comparable housing is considered to be within the displacee's financial means if the acquiring agency pays that portion of the monthly housing costs which would exceed thirty percent of the displacee's monthly income for forty-two months. Replacement housing payments would be paid under WAC 468-100-601.

(5) **Contribute materially:** Means that during the two taxable years prior to the taxable year in which displacement occurs, or during such other period as the agency determines to be more equitable, a business or farm operation:

(a) Had average annual gross receipts of at least five thousand dollars; or

(b) Had average annual net earnings of at least one thousand dollars; or

(c) Contributed at least thirty-three and one-third percent of the owner's or operator's average annual gross income from all sources.

(d) If the application of the above criteria creates an inequity or hardship in any given case, the agency may approve the use of other criteria as determined appropriate.

(6) **Decent, safe, and sanitary (DSS) dwelling:** Means a dwelling which meets applicable housing and occupancy codes. However, any of the following standards which are not met by an applicable code shall apply, unless

waived for good cause by the agency funding the project. The dwelling shall:

- (a) Be structurally sound, weathertight, and in good repair.
- (b) Contain a safe electrical wiring system adequate for lighting and other electrical devices.
- (c) Contain a heating system capable of sustaining a healthful temperature (of approximately seventy degrees) for a displaced person.
- (d) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. There shall be a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.
- (e) Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- (f) For a displaced person who is handicapped, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.

(7) Displaced person:

(a) **General:** Means any person who moves from the real property or moves his or her personal property from the real property:

- (i) As a direct result of the agency's acquisition of, or the initiation of negotiation for, such real property in whole or in part for a project; or
- (ii) As a direct result of a written order from the acquiring agency to vacate such real property for a project; or
- (iii) As a direct result of the agency's acquisition of, or written order to vacate for a project, other real property on which the person conducts a business or farm operation; or
- (iv) As a direct result of a voluntary transaction by the owner pursuant to WAC 468-100-101 (2)(a) thereby displacing a tenant.

(b) **Persons not displaced:** The following is a nonexclusive listing of persons who do not qualify as a displaced person under this chapter.

(i) A person who moves before the initiation of negotiations except one who is required to move for reasons beyond his or her control as explained in WAC 468-100-403(5); or

(ii) A person who initially enters into occupancy of the property after the date of its acquisition for the project; or

(iii) A person whom the agency determines is not required to relocate permanently as a direct result of a project; or

(iv) A person whom the agency determines is not displaced as a direct result of a partial acquisition; or

(v) A person who, after receiving a notice of relocation eligibility also receives a notice of noneligibility (described in WAC 468-100-203 (2)(b)); or

(vi) An owner who voluntarily sells his or her property pursuant to WAC 468-100-101 (2)(a) after being informed in writing that if a mutually satisfactory agreement of sale cannot be reached, the agency will not acquire the property; or

(vii) A person who retains the right of use and occupancy of the real property for life following its acquisition by the agency; or

(viii) A person who retains the right of use and occupancy of the real property for a fixed term after its acquisition for a program or project receiving federal financial assistance from the Department of Interior; or

(ix) A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act; or

(x) A person who is determined to be in unlawful occupancy or a person who has been evicted for cause prior to the initiations of negotiations for the property.

(8) **Dwelling:** Means the place of permanent or customary and usual residence of a person, as determined by the agency according to local custom or law, including a single family house; a single family unit in a two-family, multifamily, or multipurpose property; a unit of a condominium or cooperative housing project; a nonhousekeeping unit; a mobile home; or any other fixed or installed residential unit other than a unit customarily used, and currently (although not necessarily immediately) capable of use, for transportation or recreational purposes.

(9) **Farm operation:** Means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(10) **Financial assistance:** Means any grant, loan, or contribution, except a federal guarantee or insurance.

(11) **Initiation of negotiations:** Means the date of delivery of the initial written offer by the agency to the owner or the owner's representative to purchase real property for a project for the amount determined to be just compensation, unless applicable agency program regulations specify a different action to serve this purpose. However:

(a) If the agency issues a notice of its intent to acquire the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the "initiation of negotiations" means the date the person moves from the property. (See also WAC 468-100-505(3).)

(b) In the case of a permanent relocation to protect the public health and welfare under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (Pub. L. 96-510, or "Superfund"), the

"initiation of negotiations" means the formal announcement of such relocation or the federal or federally-coordinated health advisory where the federal government later decides to conduct a permanent relocation.

(12) **Mortgage:** Means any of such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the state in which the real property is located, together with the credit instruments, if any, secured thereby.

(13) **Owner of displacement dwelling:** A displaced person is considered to have met the requirement to own a displacement dwelling if the person holds any of the following interests in real property acquired for a project:

(a) Fee title, a life estate, a ninety-nine year lease, or a lease, including any options for extension, with at least fifty years to run from the date of acquisition; or

(b) An interest in a cooperative housing project which includes the right to occupy a dwelling; or

(c) A contract to purchase any of the interests or estates described in subsection (1) or (2) of this section; or

(d) Any other interests, including a partial interest, which in the judgment of the agency warrants consideration as ownership.

(14) **Person:** Means any individual, family, partnership, corporation, or association.

(15) **Salvage value:** Means the probable sale price of an item, if offered for sale on the condition that it will be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which it is adaptable and capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis.

(16) **Small business:** Means any business having not more than five hundred employees working at the site being required or permanently displaced by a program or project.

(17) **State:** Means any department, commission, agency, or instrumentality of the state of Washington.

(18) **Tenant:** Means a person who has the temporary use and occupancy of real property owned by another.

(19) **Uneconomic remnant:** Means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and which the acquiring agency has determined has little or no value.

(20) **Uniform Act:** Means the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601 et seq.; Pub. L. 91-646), and amendments thereto.

(21) **Unlawful occupancy:** A person is considered to be in unlawful occupancy when such person has been ordered to move by a court prior to the initiation of negotiations for the acquisition of the occupied property.

(22) **Voluntary transaction:** Means a donation, exchange, market sale, or other type of agreement entered into without compulsion on the part of the agency.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-002, filed 8/14/89, effective 9/14/89.]

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WAC 468-100-003 No duplication of payments. No person is entitled to receive any payment under this chapter if that person receives a payment under federal, state, or local law which is determined to have the same purpose and effect as such payment under this chapter. The agency shall avoid creating a duplication based on information obtained by the agency at the time the agency approves a payment under this chapter.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-003, filed 8/14/89, effective 9/14/89.]

WAC 468-100-004 Agency procedures, temporary relocation, monitoring, and corrective action. (1) **Agency procedures:** Prior to a state agency or local public agency commencement of any project phase that will result in real property acquisition or displacement that is subject to chapter 8.26 RCW, the agency shall prepare and adopt operating procedures. Such procedures shall (a) assure that the agency will comply with chapter 8.26 RCW and this chapter, (b) contain specific reference to any state law which the agency believes provides an exception to RCW 8.26.180, 8.26.190, or this chapter, (c) include appropriate provisions to carry out this chapter in a manner that minimizes the opportunity for, and/or the appearance of fraud, waste, and mismanagement, and (d) shall be prefaced by a certification that the agency will carry out its responsibilities for real property acquisition and relocation assistance in accordance with chapter 8.26 RCW and this chapter. A statement such as the following would satisfy the certification requirement:

"The agency certifies that the agency will comply with chapter 8.26 RCW and chapter 468-100 WAC in connection with the acquisition of real property for, and relocation of persons displaced by, a program or project of the agency."

The agency shall maintain a record copy of such procedures available for public review at any reasonable time and location.

(2) **Temporary relocation:** In the case of a person that will not be displaced but is required to relocate temporarily because of the project, the provisions of WAC 468-100-204(3) shall apply.

(3) **Monitoring and corrective action:** The funding agency will monitor compliance with this chapter, and the acquiring agency and/or displacing agency shall take whatever corrective action is necessary to comply with chapter 8.26 RCW and this chapter. The funding agency may also apply sanctions in accordance with applicable program regulations.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-004, filed 8/14/89, effective 9/14/89.]

WAC 468-100-005 Notices. Notices which the agency is required to provide shall be written in plain, understandable language. Persons who are unable to read and understand the notice must be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help. Notices shall be personally served or sent

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by registered or certified first-class mail return receipt requested and documented in the agency's files.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-005, filed 8/14/89, effective 9/14/89.]

WAC 468-100-006 Administration of jointly funded projects. Whenever two or more agencies provide financial assistance to an agency or agencies to carry out functionally or geographically related activities which will result in the acquisition of property or the displacement of a person, the funding agencies may by agreement designate one such agency as the cognizant agency. At a minimum, the agreement shall set forth the financially assisted activities which are subject to its terms and cite any policies and procedures, in addition to this chapter, that are applicable to the activities under the agreement. Under the agreement, the cognizant agency shall assure that the project is in compliance with the provisions of chapter 8.26 RCW and this chapter. All financially assisted activities under the agreement shall be deemed a project for the purposes of this chapter.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-006, filed 8/14/89, effective 9/14/89.]

WAC 468-100-007 Funding agency waiver of regulations. The agency funding the project may, on a case-by-case or project basis, waive any requirement in this chapter not required by law if it determines that the waiver does not reduce any assistance or protection provided to an owner or displaced person under this chapter. Any request for a waiver by an acquiring or displacing agency shall be justified on a case-by-case or project basis.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-007, filed 8/14/89, effective 9/14/89.]

WAC 468-100-008 Compliance with other laws and regulations. The implementation of this chapter shall be in compliance with all applicable laws and implementing regulations, including the following:

- (1) Section I of the Civil Rights Act of 1866 (42 U.S.C. 1982 et seq.).
- (2) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).
- (3) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended.
- (4) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
- (5) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 790 et seq.).
- (6) Executive Order 12250 – Leadership and Coordination of Non-Discrimination Laws.
- (7) Executive Order 11063 – Equal Opportunity and Housing, as amended by Executive Order 12259.
- (8) Executive Order 11246 – Equal Employment Opportunity.
- (9) Executive Order 11625 – Minority Business Enterprise.
- (10) Executive Order 12259 – Leadership and Coordination of Fair Housing in Federal Programs.

(11) The Flood Disaster Protection Act of 1973 (Pub. L. 93-234).

(12) Executive Orders 11988, Floodplain Management, and 11990, Protection of Wetlands.

(13) The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-008, filed 8/14/89, effective 9/14/89.]

WAC 468-100-009 Recordkeeping and reports. (1) **Records:** The agency shall maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this chapter. These records shall be retained for at least three years after each owner of a property and each person displaced from a property receives the final payment to which the person is entitled under this chapter.

(2) **Confidentiality of records:** Records maintained by an agency in accordance with this chapter are confidential regarding their use as public information, unless applicable law provides otherwise.

(3) **Reports:** The agency shall submit a report of its real property acquisition and displacement activities under this chapter if required by the funding agency. A report will not be required more frequently than every three years, or as the Uniform Act provides, unless the funding agency shows good cause.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-009, filed 8/14/89, effective 9/14/89.]

WAC 468-100-010 Appeals. The displacing agency shall promptly review appeals in accordance with the requirements of applicable law and this chapter.

(1) **Actions which may be appealed:** A person may file written notice of an appeal with the displacing agency in any case in which the person believes that the agency has failed to properly determine the person's eligibility for, or the amount of, a payment required under WAC 468-100-106 or 468-100-107, or a relocation payment required under this chapter.

(2) **Limitations:** A person is entitled to only such benefits as are specifically delineated in this chapter.

(3) **Form of notice:** The displacing agency shall consider a written appeal regardless of form. The appeal notice or letter should state what issues are being claimed, the reasons why the aggrieved person believes the claim should be allowed, and how the person believes he or she is otherwise aggrieved. The letter or notice should clearly identify the displacing agency's project and parcel of real property involved and should bear the signature and address of the aggrieved person or the person's authorized representative. The displacing agency may refuse to schedule any review or hearing on an appeal until these requirements have been complied with or may issue an order providing for dismissal of such appeal upon failure to comply within a reasonable time specified by the agency.

(4) **Time limit for initiating appeal:** The time limit shall be sixty days after the person receives written notification of the agency's determination on the person's claim.

(5) **Right to representation:** A person has a right to be represented by legal counsel or other representative in connection with the person's appeal, but solely at the person's own expense.

(6) **Review of files by person making appeal:** The displacing agency shall permit a person to inspect and copy all materials pertinent to the person's appeal, except materials which are classified as confidential by the agency. The agency may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.

(7) **Preliminary review authorized:** In order to ensure consistent and uniform administration of the relocation assistance program, a displacing agency may establish an administrative review procedure for a preliminary review of all appeal notifications.

(8) **Preliminary review notice:** In the event of a preliminary review, the aggrieved person shall be given notice of such review and a reasonable time specified by the displacing agency to present any documents, written statements, or written evidence in support of the person's claim. Such review shall be accomplished promptly after receipt of appropriate notice by the aggrieved person. The agency shall notify the person of the decision resulting from the review and the person's right to be heard (a hearing) in the event the agency does not allow a claim, in whole or in part.

(9) **Applicability of the Administrative Procedure Act:**

(a) In accordance with RCW 8.26.010(3), the provisions of the Administrative Procedure Act (Title 34 RCW) regarding the resolution of contested cases shall be utilized as applicable by the head of the displacing agency in resolving any appeal filed pursuant to this section.

(b) References to "agency" in the Administrative Procedure Act shall be understood to mean "displacing agency" for the purposes of this chapter.

(10) **Time and place of hearing:** The hearing officer shall hold hearing within forty-five days following receipt from the displacing agency of the notice of appeal, and upon not less than twenty days' notice to the aggrieved person. Hearing shall be held in the county where the real property is located, or at such other location as may be agreed upon between the hearing officer and the aggrieved person. Failure to hold such hearing within the time specified herein, however, shall not affect the authority of the hearing officer, the necessity of the hearing, or the rights of the parties involved.

(11) **Hearing process:**

(a) **Admissibility of evidence:** Subject to the other provisions of this chapter, all relevant evidence is admissible which, in the opinion of the hearing officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. All pertinent justification and other material submitted by the person and obtained by the agency, and all other available information that is needed to ensure a fair and full review of the appeal, shall be considered, *de novo* (i.e., from the beginning, anew, afresh, a second time). Authorities pertinent to a review or hearing shall be

matters of applicable law, including the displacing agency's procedures established pursuant to WAC 468-100-004(1) and the provisions of this chapter. In passing on the admissibility of evidence, the hearing officer shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

(b) **Subpoenas:** Every subpoena shall state the name of the displacing agency and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under the person's control at a specified time and place.

(c) **Service:** Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering the person on demand the fees for one day's attendance and the mileage allowed by law.

(d) **Proof of service:** The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the displacing agency or the hearing officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the displacing agency and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

(e) **Quashing:** Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena was issued, any party may:

(i) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue; or

(ii) Condition denial of the motion upon just and reasonable conditions.

(f) **Scope - Geographical:** Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

(g) **Depositions and interrogatories:** Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a notice of appeal. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this regulation and the regulation on subpoenas.

(h) **Scope (relevance):** Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

(i) **Protection of parties and deponents:** A party desiring to take a deposition of any person upon oral examination shall give reasonable notice of not less than three

days in writing to all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the hearing officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or any other order which justice requires.

(j) **Recordation - Objections:** The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under the officer's direction and in the officer's presence, record the testimony. Objections to notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

(k) **Signing attestation and returns:** When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefore; and the deposition may then be used as fully as though signed, unless on a motion to suppress, the hearing officer holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(l) **Use and effect - Certification:** The officer shall certify on the deposition that the witness was duly sworn by the officer and that the deposition is a true record of the testimony given by the witness. The officer shall then securely seal the deposition in an envelope endorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the designated hearing officer, for filing. The party taking the deposition shall

give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefore, the officer shall furnish a copy of the deposition to any party or to the deponent.

Subject to rulings by the hearing officer upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the hearing officer upon the hearing officer's own motion or the motion of any party. Except by agreement of the parties or ruling of the hearing officer, a deposition will be received only in its entirety. A party does not make a second party, or the privy of a second party, or any hostile witness the party's witness by taking the second party's deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by the party or any other party.

(m) **Depositions upon interrogatories:** Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

(n) **Official notice - Matters of law:** The hearing officer, upon request made before or during a hearing, will officially notice:

(i) **Federal law:** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and official publications;

(ii) **State law:** The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and official publications;

(iii) **Governmental organization:** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, and several states and foreign nations;

(iv) **Agency organization:** The department, commission or board organization, administration, officers, personnel, and official publications.

(o) **Record:** The record on any appeal shall consist of the decision or order appealed from the notice of appeal therefrom, responsive pleadings, if any, and notices of appearances, and any other written applications, motions, briefs, stipulations or requests duly filed by any party. Such record shall also include all depositions, the transcript of testimony and argument and other proceedings at the hearing, together with all exhibits offered. No part of the records of the displacing agency or

other documents shall be made part of the record unless admitted in evidence.

(12) **Submission of proposed decision:** The hearing officer shall, within thirty days after completion of the hearing and record, prepare in writing a proposed decision containing findings and conclusions as to each contested issue of fact. The hearing officer shall file the original, signed by the officer, with the head of the displacing agency and mail, by certified or registered first class mail, a copy to each aggrieved person who is a party to the appeal and to the party's attorney or representative of record.

(13) **Exception – Time for filing:** Within twenty days, or such further period as the hearing officer may allow, any party to the appeal may file with the hearing officer, a written statement of exceptions to the proposed decision of the hearing officer.

(14) **Reply to exceptions:** Any party may, within fifteen days after the filing of an exception by an adverse party, submit a reply to exceptions, a written brief, or a statement of position regarding the matters on which exceptions were taken. In such instances, a copy of the transcript of testimony and other proceedings of the hearing shall be made available to the parties.

(15) **Submission of record and issuance of final decision and order:** The entire record, including all exhibits and proposed findings of fact, conclusions of law, and decision together with all exceptions and replies to exceptions, shall be submitted to the head of the displacing agency. Upon receipt of the entire record, the head of the displacing agency, in a manner consistent with RCW 34.04.110, shall consider the same and may either adopt, modify, or reject the proposed findings of fact, conclusions of law, and decision, and shall issue the final decision and order of the displacing agency. Such decision and order shall be made promptly after receipt of the entire record.

If the full relief requested is not granted, the agency shall advise the person of the person's right to seek judicial review.

(16) **Official to review appeal:** The official conducting a review of an appeal shall not have been directly involved in the action appealed and shall be either the head of the agency, that person's authorized designee, or as otherwise required by applicable law.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-010, filed 8/14/89, effective 9/14/89.]

SUBPART B REAL PROPERTY ACQUISITION

WAC 468-100-101 Applicability of acquisition requirements. General:

(1) Except as provided in subsection (2) of this section, the requirements of RCW 8.26.180 through 8.26.200 apply to any agency acquisition of real property for a program or project where the agency's program or project is carried out under threat of eminent domain including amicable agreements. Whether or not the acquiring agency has or intends to use the power of eminent domain, the requirements of RCW 8.26.180

through 8.26.200 apply to any project or program where there is an intended, planned, or designated project area, and all, or substantially all, of the property within that area is eventually intended to be acquired.

(2) Provided it does not conflict with subsection (1) of this section, an agency may determine that the requirements of RCW 8.26.180 through 8.26.200 do not apply to:

(a) Voluntary transactions (defined in WAC 468-100-002(22)) if all of the following conditions are present:

(i) No specific site or property needs to be acquired, although the agency may limit its search for alternative sites to a general geographic area.

(ii) The property to be acquired is not part of an intended, planned, or designated project area where all, or substantially all, of the property within the area is eventually to be acquired.

(iii) The agency will not acquire the property in the event negotiations fail to result in an amicable agreement, and the owner is so informed in writing.

(b) The acquisition of real property from a federal, state, or local public agency, if the acquiring agency does not have the authority to acquire the property through condemnation.

(3) In those situations where an agency wishes to purchase more than one site within a geographic area on a "voluntary transaction" basis, all owners shall be treated similarly.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-101, filed 8/14/89, effective 9/14/89.]

WAC 468-100-102 Criteria for appraisals.

(1) **Standards of appraisal:** The format and level of documentation for an appraisal depend on the complexity of the appraisal problem. The agency shall develop minimum standards for appraisals consistent with established and commonly accepted appraisal practice for those acquisitions which, by virtue of their low value or simplicity, do not require the in-depth analysis and presentation necessary in a detailed appraisal. A detailed appraisal shall be prepared for all other acquisitions. A detailed appraisal shall reflect nationally recognized appraisal standards. An appraisal must contain sufficient documentation, including valuation data and the appraiser's analysis of that data, to support the appraiser's opinion of value. At a minimum, the appraisal shall contain the following items:

(a) The purpose and/or the function of the appraisal, a definition of the estate being appraised, and a statement of the assumptions and limiting conditions affecting the appraisal.

(b) An adequate description of the physical characteristics of the property being appraised (and, in the case of a partial acquisition, an adequate description of the remaining property), a statement of the known and observed encumbrances if any, title information, location, zoning, present use, an analysis of highest and best use, and at least a five-year sales history of the property.

(c) All relevant and reliable approaches to value consistent with commonly accepted professional appraisal

practices. When sufficient market sales data are available to reliably support the fair market value for the specific appraisal problem encountered, the agency, at its discretion, may require only the market approach. If more than one approach is utilized, there shall be an analysis and reconciliation of approaches to value that are sufficient to support the appraiser's opinion of value.

(d) A description of comparable sales, including a description of all relevant physical, legal, and economic factors such as parties to the transaction, source and method of financing, and verification by a party involved in the transaction.

(e) A statement of the value of the real property to be acquired and, for a partial acquisition, a statement of the value of the damages and benefits, if any, to the remaining real property.

(f) The effective date of valuation, date of appraisal, signature, and certification of the appraiser.

(2) **Influence of the project on just compensation.** To the extent permitted by applicable law, the appraiser in his "before" valuation shall disregard any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to the physical deterioration within the reasonable control of the owner.

(3) **Owner retention of improvements:** If the owner of a real property improvement agrees and is permitted to obtain the right to remove it in whole or in part from the project site, the amount to be offered for the interest in the real property to be acquired shall be the amount determined to be just compensation for the owner's entire interest in the real property. The salvage value (defined in WAC 468-100-002(15)) of the improvement to be removed shall be deducted from the agency's payment.

(4) **Qualifications of appraisers:** The agency shall establish criteria for determining the minimum qualifications of appraisers. Appraiser qualifications shall be consistent with the level of difficulty of the appraisal assignment. The agency shall review the experience, education, training, and other qualifications of appraisers, including review appraisers, and utilize only those determined to be qualified.

(5) **Conflict of interest:** No appraiser or review appraiser shall have any interest, direct or indirect, in the real property being appraised for the agency that would in any way conflict with the preparation or review of the appraisal. Compensation for making an appraisal shall not be based on the amount of the valuation. No appraiser shall act as a negotiator for real property which that person has appraised, except that the agency may permit the same person to both appraise and negotiate an acquisition where the value of the acquisition is two thousand five hundred dollars, or less.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-102, filed 8/14/89, effective 9/14/89.]

WAC 468-100-103 Review of appraisals. The agency shall have an appraisal review process and, at a minimum:

(1989 Ed.)

(1) A qualified reviewing appraiser shall examine all appraisals to assure that they meet applicable appraisal requirements and shall, prior to acceptance, seek necessary corrections or revisions. The qualifications of the appraiser for each case depend on the complexity of the appraisal problem. The review appraiser shall determine whether the appraiser's documentation, including valuation data and analyses of that data, demonstrates the soundness of the appraiser's opinion of value.

(2) If the reviewing appraiser is unable to approve or recommend approval of an appraisal as an adequate basis for the estimate of just compensation, and it is determined that it is not practical to obtain an additional appraisal, the reviewing appraiser may develop appraisal documentation in accordance with WAC 468-100-102 to support an approved or recommended value. The agency may determine whether a second review is needed if the first review appraiser establishes a value different from that in the appraisal report(s) on the property.

(3) The review appraiser's certification of the recommended or approved value of the property shall be set forth in a signed statement which identifies the appraisal reports reviewed and explains the basis for such recommendation or approval. Any damages or benefits to any remaining property shall also be identified in the statement. The level of explanation by the review appraiser depends on the complexity of the appraisal problem. The agency may accept a simple approval endorsement by the review appraiser in the case of a low value property requiring an uncomplicated valuation process.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-103, filed 8/14/89, effective 9/14/89.]

WAC 468-100-104 Acquisition of tenant-owned improvements. (1) **Acquisition of improvements:** When acquiring any interest in real property, the agency shall offer to acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property to be acquired or which the agency determines will be adversely affected by the use to which such real property will be put. This shall include any improvement of a tenant-owner who has the right or obligation to remove the improvement at the expiration of the lease term.

(2) **Improvements considered to be real property:**

Any building, structure, or other improvement, which would be considered to be real property if owned by the owner of the real property on which it is located, shall be considered to be real property for purposes of WAC 468-100-101 through 468-100-106.

(3) **Appraisal and establishment of just compensation for tenant-owned realty improvements:** Just compensation for a tenant-owned realty improvement is the amount which the improvement contributes to the fair market value of the whole property or its salvage value, whichever is greater. (Salvage value is defined in WAC 468-100-002(15).)

(4) **Special conditions:** No payment shall be made to a tenant-owner to acquire any real property improvement or relocate any tenant-owned real estate fixture unless:

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(a) The owner of the real property on which the improvement is located disclaims all interest in the tenant's realty improvement or fixture; and

(b) The tenant-owner, in consideration for the acquisition payment, assigns, transfers, and releases to the agency all of the tenant-owner's right, title, and interest in the realty improvement; and

(c) The payment does not result in the duplication of any compensation otherwise authorized by law.

(5) **Alternative compensation:** Nothing in WAC 468-100-101 through 468-100-106 shall be construed to deprive the tenant-owner of any right to reject payment under WAC 468-100-101 through 468-100-106 and to obtain payment for such property interests in accordance with other applicable law.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-104, filed 8/14/89, effective 9/14/89.]

WAC 468-100-105 Certain litigation expenses. The owner of the real property shall be reimbursed for any reasonable expenses, including reasonable attorney, and expert witness fees, which the owner actually incurred because of a condemnation proceeding; pursuant to RCW 8.25.020 and 8.25.075.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-105, filed 8/14/89, effective 9/14/89.]

WAC 468-100-106 Donations. Nothing in this chapter shall prevent a person, after being informed of the right to receive just compensation based on an appraisal of the real property, from making a gift or donation of real property or any part thereof, or any interest therein, or of any compensation paid therefor, to the agency. The agency shall obtain an appraisal of the real property and offer the full amount of just compensation due unless the owner, after being fully informed of such policy, releases the agency from these obligations. An appraisal is not required if the agency determines that an appraisal is unnecessary because the valuation problem is uncomplicated and the fair market value is estimated at two thousand five hundred dollars or less, based on a review of available data.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-106, filed 8/14/89, effective 9/14/89.]

SUBPART C GENERAL RELOCATION REQUIREMENTS

WAC 468-100-201 Purpose. WAC 468-100-201 through 468-100-208 prescribes general requirements governing the provision of relocation payments and other relocation assistance under the regulations in this chapter.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-201, filed 8/14/89, effective 9/14/89.]

WAC 468-100-202 Applicability. These requirements apply to the relocation of any displaced person as defined in WAC 468-100-002(7).

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-202, filed 8/14/89, effective 9/14/89.]

WAC 468-100-203 Relocation notices. Written notices shall be furnished as required by WAC 468-100-005.

(1) **General relocation information notice:** As soon as feasible, a person scheduled to be displaced shall be furnished with a general written description of the agency's relocation program which does at least the following:

(a) Informs the person that the person may be displaced for the project and generally describes the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s).

(b) Informs the person that the person will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the person successfully relocate.

(c) Informs the person that the person will not be required to move without at least ninety days' advance written notice (see subsection (3) of this section), and informs any person to be displaced from a dwelling that the person cannot be required to move permanently unless at least one comparable replacement dwelling has been made available.

(d) Describes the person's right to appeal the agency's determination as to eligibility for, or the amount of, any relocation payment for which the person may be eligible.

(2) **Notice of relocation eligibility:**

(a) Eligibility for relocation assistance shall begin on the date of initiation of negotiations (defined in WAC 468-100-002(11)) for the occupied property. When this occurs, the agency shall promptly provide written notice to all occupants to be displaced of their eligibility for applicable relocation assistance in accordance with WAC 468-100-005.

(b) An occupant may subsequently be provided a notice of noneligibility if the agency determines the person will not be displaced. Such notice may be issued only if the person has not moved and the agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility.

(3) **Ninety-day notice:**

(a) **General:** No lawful occupant shall be required to move unless the occupant has received at least ninety days advance written notice of the earliest date by which he or she may be required to move.

(b) **Timing of notice:** The displacing agency may issue the notice ninety days before it expects the person to be displaced or earlier.

(c) **Content of notice:** The ninety-day notice shall either state a specific date as the earliest date by which the occupant may be required to move, or state that the occupant will receive a further notice indicating, at least thirty days in advance, the specific date by which the occupant must move. If the ninety-day notice is issued before a comparable replacement dwelling is made available, the notice must state clearly that the occupant will not have to move earlier than ninety days after such

a dwelling is made available. (See WAC 468-100-204(1).)

(d) **Urgent need:** In unusual circumstances, an occupant may be required to vacate the property on less than ninety days advance written notice if the agency determines that a ninety-day notice is impracticable, such as when the person's continued occupancy of the property would constitute a substantial danger to health or safety. A record of the agency's determination shall be included in the applicable case file.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-203, filed 8/14/89, effective 9/14/89.]

WAC 468-100-204 Availability of comparable replacement dwelling before displacement. No person to be displaced shall be required to move from the person's dwelling unless at least one comparable replacement dwelling (defined in WAC 468-100-002(4)) has been made available to the person.

(1) **Policy:** Three or more comparable replacement dwellings shall be made available unless such numbers are not available on the local housing market. When otherwise feasible, in accordance with WAC 468-100-205 (3)(b)(iii) and 468-100-403 (1)(d), comparable replacement dwellings to be made available to minority persons may include dwellings not located in an area of minority concentration. A comparable replacement dwelling will be considered to have been made available to a person, if:

(a) The person is informed of its location; and
 (b) The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and

(c) Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.

(2) **Circumstances permitting waiver:** The funding agency may grant a waiver of the policy in subsection (1) of this section in any case where it is demonstrated that a person must move because of:

(a) A major disaster as defined in section 102(c) of the Disaster Relief Act of 1974 (42 U.S.C. 5121); or
 (b) A presidentially declared national emergency; or

(c) Another emergency which requires immediate vacating of the real property, such as when continued occupancy of the displacement dwelling constitutes a substantial danger to the health or safety of the occupants or the public.

(3) **Basic conditions of emergency move:** Whenever a person is required to relocate for a temporary period because of an emergency as described in subsection (2) of this section, for purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from the temporarily-occupied dwelling. The agency shall:

(a) Take whatever steps are necessary to assure that the person is temporarily relocated to a sanitary dwelling;

(b) Pay the actual reasonable out-of-pocket moving expenses and any reasonable increase in monthly housing costs incurred in connection with the temporary relocation;

(c) Make available to the displaced person as soon as feasible, at least one comparable replacement dwelling.

(d) The person is entitled to be heard according to WAC 468-100-010 in the event of a grievance.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-204, filed 8/14/89, effective 9/14/89.]

WAC 468-100-205 Relocation planning, advisory services, and coordination. (1) **Relocation planning:** During the early stages of development, state and federal-aid programs or projects shall be planned in such a manner that the problems associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations are recognized and solutions are developed to minimize the adverse impacts of displacement. Such planning, where appropriate, shall precede any action by an agency which will cause displacement, and should include an evaluation of program resources available to carry out timely and orderly relocations. Planning may involve a relocation survey or study which may include the following:

(a) An estimate of the number of households to be displaced including information such as owner/tenant status, estimated value and rental rates of properties to be acquired, family characteristics, and special consideration of the impacts on minorities, the elderly, large families, and the handicapped when applicable.

(b) An estimate of the number of comparable replacement dwellings in the area (including price ranges and rental rates) that may be available to fulfill the needs of those households displaced. When an adequate supply of comparable housing is not expected to be available, consideration of last resort housing actions should be instituted.

(c) An estimate of the number, type and size of the businesses, farms, and nonprofit organizations to be displaced and the approximate number of employees that may be affected.

(d) Consideration of any special relocation advisory services that may be necessary from the displacing agency and other cooperating agencies.

(2) **Relocation assistance advisory services, general:** The agency shall carry out a relocation assistance advisory program which satisfies the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), and Executive Order 11063 (27 FR 11527), and offers the services described in subsection (3) of this section. If the agency determines that a person occupying property adjacent to the real property acquired for the project is caused substantial economic injury because of such acquisition, it may offer the services to such person.

(3) **Services to be provided:** The advisory program shall include such measures, facilities, and services as may be necessary or appropriate in order to:

(a) Determine the relocation needs and preferences of each person to be displaced and explain the relocation payments and other assistance for which the person may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This shall include a personal interview with each person.

(b) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable replacement dwellings, and explain that the person cannot be required to move unless at least one comparable replacement dwelling is made available as set forth in WAC 468-100-204(1).

(i) As soon as feasible, the agency shall inform the person in writing of the specific comparable replacement dwelling and the price or rent used for establishing the upper limit of the replacement housing payment (see WAC 468-100-403 (1) and (2)) and the basis for the determination, so that the person is aware of the maximum replacement housing payment for which the person may qualify.

(ii) Where feasible, housing shall be inspected prior to being made available to assure that it meets applicable standards. (See WAC 468-100-002 (4) and (6).) If such an inspection is not made, the person to be displaced shall be notified that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be DSS.

(iii) Whenever possible, minority persons shall be given reasonable opportunities to relocate to DSS replacement dwellings, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require an agency to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

(iv) All displaced persons, especially the elderly and handicapped, shall be offered transportation to inspect housing to which they are referred.

(c) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable and suitable commercial and farm properties and locations. Assist any person displaced from a business or farm operation to obtain and become established in a suitable replacement location.

(d) Minimize hardships to persons in adjusting to relocation by providing counseling, advice as to other sources of assistance that may be available, and such other help as may be appropriate.

(e) Supply persons to be displaced with appropriate information concerning federal and state housing programs, disaster loans and other programs administered by the Small Business Administration, and other federal, state, and local programs offering assistance to persons to be displaced.

(f) Any person who occupies property acquired by an agency, when such occupancy began subsequent to the acquisition of the property, and the occupancy is permitted by a short-term rental agreement or an agreement subject to termination when the property is needed for a program or project, shall be eligible for advisory services, as determined by the agency.

(4) Coordination of relocation activities: Relocation activities shall be coordinated with project work and other displacement-causing activities to ensure that, to the extent feasible, persons displaced receive consistent treatment and the duplication of functions is minimized.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-205, filed 8/14/89, effective 9/14/89.]

WAC 468-100-206 Eviction for cause. Eviction for cause must conform to applicable state and local law. Any person who has lawfully occupied the real property, but who is later evicted for cause on or after the date of the initiation of negotiations, retains the right to the relocation payments and other assistance set forth in these regulations. For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves or the date a comparable replacement dwelling is made available, whichever is later. This section applies only if the agency had intended to displace the person.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-206, filed 8/14/89, effective 9/14/89.]

WAC 468-100-207 Claims for relocation payments.

(1) Documentation: Any claim for a relocation payment shall be supported by such documentation as may be reasonably required to support expenses incurred, such as, bills, certified prices, appraisals, or other evidence of such expenses. Payment for a low cost or uncomplicated move may be made without documentation of actual costs when payment is limited to the amount of the lowest acceptable bid or estimate obtained by the agency. A displaced person must be provided reasonable assistance necessary to complete and file any required claim for payment.

(2) Expedited payments: The agency shall review claims in an expeditious manner. The claimant shall be promptly notified as to any additional documentation that is required to support the claim. Payment for a claim shall be made as soon as feasible following receipt of sufficient documentation to support the claim.

(3) Advance payments: If a person demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship, the agency shall issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.

(4) Time for filing: All claims for a relocation payment shall be filed with the agency within eighteen months after:

(a) For tenants, the date of displacement;

(b) For owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.

This time period shall be waived by the agency for good cause.

(5) Multiple occupants of one displacement dwelling: If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the agency, of any relocation payments that would

have been made if the occupants moved together to a comparable replacement dwelling. However, if the agency determines that two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments.

(6) **Deductions from relocation payments:** An agency shall deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. Similarly where such a deduction would not prevent the displaced person from obtaining a comparable replacement dwelling as required by WAC 468-100-204, an agency may, deduct from relocation payments any rent that the displaced person owes the agency. The agency shall not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor.

(7) **Notice of denial of claim:** If the agency disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, it shall promptly notify the claimant in writing of its determination, the basis for its determination, and the procedures for appealing that determination.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-207, filed 8/14/89, effective 9/14/89.]

WAC 468-100-208 Relocation payments not considered as income. No payment received by a displaced person under this chapter may be considered as income for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any state law or for the purposes of any income tax or any tax imposed under Title 82 RCW, and the payments shall not be deducted from any amount to which any recipient would otherwise be entitled under Title 74 RCW.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-208, filed 8/14/89, effective 9/14/89.]

SUBPART D PAYMENT FOR MOVING AND RELATED EXPENSES

WAC 468-100-301 Payment for actual reasonable moving and related expenses—Residential moves. Any displaced owner-occupant or tenant of a dwelling who qualifies as a displaced person (defined in WAC 468-100-002(7)) is entitled to payment of the person's actual moving and related expenses, as the agency determines to be reasonable, including expenses necessary to:

(1) **Disconnect, dismantle, and remove displaced personal property.**

(2) **Pack displaced personal property.**

(3) **Transport** displaced personal property within fifty miles. The agency may authorize transportation costs of a distance beyond fifty miles based on economic feasibility of the available choices of replacement locations, but not on the displacee's subjective preferences.

(4) **Store** personal property for a period not to exceed twelve months, unless the agency determines a longer period is necessary.

(5) **Unpack** relocated personal property.

(6) **Reassemble, reinstall, and reconnect** relocated personal property.

(7) **Insure** for the replacement value of personal property in connection with the move; or where insurance covering loss, theft, or damage in the process of moving (not through fault or negligence of the displaced person or the person's agent, or employee) is not reasonably available, pay the replacement value for such loss, theft, or damage.

(8) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

(9) **Reimburse** other moving-relating expenses that are not listed as ineligible under WAC 468-100-305, as the agency determines to be reasonable and necessary.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-301, filed 8/14/89, effective 9/14/89.]

WAC 468-100-302 Fixed payment for moving expenses—Residential moves. Any person displaced from a dwelling or a seasonal residence, is entitled to receive a fixed payment in lieu of a payment for actual moving and related expenses covered under WAC 468-100-301. This allowance shall be determined according to the applicable schedule approved by the lead agency, except that the expense and dislocation allowance to a person occupying a furnished one-room unit shared by more than one other person involving a minimum of personal property to be moved, shall be limited to fifty dollars.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-302, filed 8/14/89, effective 9/14/89.]

WAC 468-100-303 Payment for actual reasonable moving and related expenses—Nonresidential moves. (1) **Eligible costs.** Any business or farm operation which qualifies as a displaced person (defined in WAC 468-100-002(7)) is entitled to payment for such actual moving and related expenses, as the agency determines to be reasonable and necessary, including expenses for:

(a) **Transportation** of personal property. Transportation costs for a distance beyond fifty miles are not eligible, unless the agency determines that relocation beyond fifty miles is justified.

(b) **Packing, crating, unpacking, and uncrating** of the personal property.

(c) **Disconnecting, dismantling, removing, reassembling, and reinstalling** relocated machinery, equipment, and other personal property, including substitute personal property described in WAC 468-100-303 (1)(l). This includes connection to utilities available nearby. It also includes modifications to the personal property necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property. (Expenses for providing utilities from the right-of-way to the building or improvement are excluded.)

(d) Storage of the personal property for a period not to exceed twelve months, unless the agency determines that a longer period is necessary.

(e) Insurance for the replacement value of the personal property in connection with the move and necessary storage.

(f) Any license, permit, or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, or certification.

(g) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

(h) Professional services necessary for:

(i) Planning the move of the personal property;

(ii) Moving the personal property; and

(iii) Installing the relocated personal property at the replacement location.

(i) Relettering signs and replacing stationery on hand at the time of displacement that are made obsolete as a result of the move.

(j) Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of the lesser of:

(i) The fair market value of the item for continued use at the displacement site, less the proceeds from its sale. (To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the agency determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.); or

(ii) The estimated cost of moving the item, but with no allowance for storage. (If the business or farm operation is discontinued, the estimated cost shall be based on a moving distance of fifty miles.)

(k) The reasonable cost incurred in attempting to sell an item that is not to be relocated.

(l) Purchase of substitute personal property. If an item of personal property which is used as part of a business or farm operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:

(i) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or

(ii) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the agency's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.

(m) Searching for a replacement location. A displaced business or farm operation is entitled to reimbursement for actual expenses, not to exceed one thousand dollars,

as the agency determines to be reasonable, which are incurred in searching for a replacement location, including:

(i) Transportation;

(ii) Meals and lodging away from home;

(iii) Time spent searching, based on reasonable salary or earnings;

(iv) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site.

(n) Other moving-related expenses that are not listed as ineligible under WAC 468-100-305, as the agency determines to be reasonable and necessary.

(2) **Notification and inspection.** The following requirements apply to payments under this section:

(a) The agency shall inform the displaced person in writing, of the requirements of (b) and (c) of this subsection, as soon as possible after the initiation of negotiations. This information may be included in the relocation information provided to the displaced person as set forth in WAC 468-100-203.

(b) The displaced person must provide the agency reasonable advance written notice of the approximate date of the start of the move or disposition of the personal property and a list of the items to be moved. However, the agency may waive this notice requirement after documenting its file accordingly.

(c) The displaced person must permit the agency to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move.

(3) **Self-move.** If the displaced person elects to take full responsibility for the move of the business or farm operation, the agency may make a payment for the person's moving expenses in an amount not to exceed the lower of two acceptable bids or estimates obtained by the agency or prepared by qualified staff. At the agency's discretion, a payment for a low cost or uncomplicated move may be based on a single bid or estimate.

(4) **Transfer of ownership.** Upon request and in accordance with applicable law, the claimant shall transfer to the agency ownership of any personal property that has not been moved, sold, or traded in.

(5) **Advertising signs.** The amount of a payment for direct loss of an advertising sign which is personal property shall be the lesser of:

(a) The depreciated reproduction cost of the sign, as determined by the agency, less the proceeds from its sale; or

(b) The estimated cost of moving the sign, but with no allowance for storage.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-303, filed 8/14/89, effective 9/14/89.]

WAC 468-100-304 Fixed payment for moving expenses--Nonresidential moves. (1) **Business:** A displaced business, defined in WAC 468-100-002(3), may be eligible to choose a fixed payment in lieu of a payment for actual moving and related expenses, and actual reasonable reestablishment expenses provided by WAC 468-100-303 and 468-100-306. The payment except for

payment to a nonprofit organization, shall equal the average annual net earnings of the business, as computed in accordance with subsection (5) of this section, but not less than one thousand dollars nor more than twenty thousand dollars. The displaced business is eligible for the payment if the agency determined that:

(a) The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move; and, the business vacates or relocates from its displacement site; and

(b) The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless the agency demonstrates that it will not suffer a substantial loss of its existing patronage; and

(c) The business is not part of a commercial enterprise having more than three other entities which are not being acquired by the agency, and which are under the same ownership and engaged in the same or similar business activities.

(d) The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others; and

(e) The business is not operated at the displacement site solely for the purpose of renting the site to others; and

(f) The business contributed materially (defined in WAC 468-100-002(3)) to the income of the displaced person during the two taxable years prior to displacement.

(2) **Determining the number of businesses:** In determining whether two or more displaced legal entities constitute a single business which is entitled to only one fixed payment, the displacing agency shall consider all pertinent factors including the extent to which:

(a) The same premises and equipment are shared;
(b) Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;

(c) The entities are held out to the public, and to those customarily dealing with them, as one business; and

(d) The same person, or closely related persons own, control, or manage the affairs of the entities.

(3) **Farm operation:** A displaced farm operation, defined in WAC 468-100-002(9), may choose a fixed payment in lieu of a payment for actual moving and related expenses in an amount equal to its average annual net earnings as computed in accordance with subsection (5) of this section, but not less than one thousand dollars nor more than twenty thousand dollars. In the case of a partial acquisition of land which was a farm operation before the acquisition, the fixed payment shall be made only if the agency determines that:

(a) The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or

(b) The partial acquisition caused a substantial change in the nature of the farm operation.

(4) **Nonprofit organization:** A displaced nonprofit organization may choose a fixed payment of one thousand to twenty thousand dollars in lieu of a payment for actual moving and related expenses if the agency determines that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). A nonprofit organization is assumed to meet this test, unless the agency demonstrates otherwise. Any payment in excess of one thousand dollars must be supported with financial statements for the two twelve-month periods prior to the acquisition. The amount to be used for the payment is the average of two years annual gross revenues less administrative expenses.

(5) **Average annual net earnings of a business or farm operation:** The average annual net earnings of a business or farm operation are one-half of its net earnings before federal, state, and local income taxes during the two taxable years immediately prior to the taxable year in which it was displaced. If the business or farm was not in operation for the full two taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the two taxable years prior to displacement, projected to an annual rate. Average annual net earnings may be based upon a different period of time when the agency determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's spouse, and dependents. The displaced person shall furnish the agency proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence which the agency determines is satisfactory.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-304, filed 8/14/89, effective 9/14/89.]

WAC 468-100-305 Ineligible moving and related expenses. A displaced person is not entitled to payment for:

(1) The cost of moving any structure or other real property improvement in which the displaced person reserved ownership. However, this section does not preclude the computation under WAC 468-100-401 (3)(d)(iii); or

(2) Interest on a loan to cover moving expenses; or

(3) Loss of goodwill; or

(4) Loss of profits; or

(5) Loss of trained employees; or

(6) Any additional operating expenses of a business or farm operation, incurred because of operating in a new location except as provided in WAC 468-100-306 (1)(j); or

(7) Personal injury; or

(8) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the agency; or

(9) Expenses for searching for a replacement dwelling; or

(10) Physical changes to the real property at the replacement location of a business or farm operation, except as provided in WAC 468-100-303 (1)(b)(iii) and (iv); or

(11) Costs for storage of personal property on real property already owned or leased by the displaced person.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-305, filed 8/14/89, effective 9/14/89.]

WAC 468-100-306 Reestablishment expenses—

Nonresidential moves. In addition to the payments available under WAC 468-100-303, a small business, as defined in WAC 468-100-002(16), farm or nonprofit organization may be eligible to receive a payment, not to exceed ten thousand dollars, for expenses actually incurred in relocating and reestablishing such small business, farm, or nonprofit organization at a replacement site.

(1) **Eligible expenses.** Reestablishment expenses must be reasonable and necessary, as determined by the agency. They may include, but are not limited to, the following:

(a) Repairs or improvements to the replacement real property as required by federal, state, or local law, code, or ordinance.

(b) Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.

(c) Construction and installation costs, not to exceed one thousand five hundred dollars for exterior signing to advertise the business.

(d) Provision of utilities from right of way to improvements on the replacement site.

(e) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, panelling, or carpeting.

(f) Licenses, fees, and permits when not paid as part of moving expenses.

(g) Feasibility surveys, soil testing and marketing studies.

(h) Advertisement of replacement location, not to exceed one thousand five hundred dollars.

(i) Professional services in connection with the purchase or lease of a replacement site.

(j) Increased costs of operation during the first two years at the replacement site, not to exceed five thousand dollars, for such items as:

- (i) Lease or rental charges;
- (ii) Personal or real property taxes;
- (iii) Insurance premiums; and
- (iv) Utility charges, excluding impact fees.

(k) Impact fees or one-time assessments for anticipated heavy utility usage.

(l) Other items that the agency considers essential to the reestablishment of the business.

(m) Expenses in excess of the regulatory maximums set forth in (c), (h) and (j) of this subsection may be considered eligible if large and legitimate disparities exist between costs of operation at the displacement site and costs of operation at an otherwise similar replacement site. In such cases the regulatory limitation for reimbursement of such costs may, at the request of the agency, be waived by the agency funding the program or project, but in no event shall total costs payable under

this section exceed the ten thousand dollar statutory maximum.

(2) **Ineligible expenses.** The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

(a) Purchase of capital assets, such as, office furniture, filing cabinets, machinery, or trade fixtures.

(b) Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.

(c) Interior or exterior refurbishments at the replacement site which are for aesthetic purposes, except as provided in WAC 468-100-306 (1)(e).

(d) Interest on money borrowed to make the move or purchase the replacement property.

(e) Payment to a part-time business in the home which does not contribute materially to the household income.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-306, filed 8/14/89, effective 9/14/89.]

**SUBPART E
REPLACEMENT HOUSING PAYMENTS**

WAC 468-100-401 Replacement housing payment for one hundred eighty-day homeowner-occupants. (1) **Entitlement:** A displaced person is entitled to the replacement housing payment for a one hundred eighty-day homeowner-occupant if the person:

(a) Has actually owned and occupied the displacement dwelling for not less than the one hundred eighty days immediately prior to the initiation of negotiations; and

(b) Purchases and occupies a DSS replacement dwelling within one year after the later of:

(i) The date the person receives final payment for the displacement dwelling or, in the case of condemnation, the date the required amount is deposited in the court; or

(ii) The date the person moves from the displacement dwelling.

(2) **Amount of payment:** The replacement housing payment for an eligible one hundred eighty-day homeowner-occupant may not exceed twenty-two thousand five hundred dollars. The payment under this section is limited to the amount necessary to relocate to a comparable replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling, or the date such person is initially offered a comparable replacement dwelling, whichever is later. The payment shall be the sum of:

(a) The amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling (price differential), as determined in accordance with subsection (3) of this section; and

(b) The increased interest costs and other debt service costs to be incurred in connection with the mortgage(s) on the replacement dwelling (increased mortgage interest cost), as determined in accordance with subsection (4) of this section; and

(c) The necessary and reasonable expenses incidental to the purchase of the replacement dwelling (incidental purchase expense), as determined in accordance with subsection (5) of this section.

(3) **Price differential:**

(a) **Determination of price differential:** The price differential to be paid under subsection (2)(a) of this section is the amount which must be added to the acquisition cost of the displacement dwelling to provide a total amount equal to the lesser of:

(i) The reasonable cost of a comparable replacement dwelling as determined in accordance with WAC 468-100-403(1); or

(ii) The purchase price of the DSS replacement dwelling actually purchased and occupied by the displaced person.

(b) **Mixed-use and multifamily properties:** If the displacement dwelling was part of a property that contained another dwelling unit and/or space used for nonresidential purposes, and/or is located on a tract larger than a site that is typical for residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered its acquisition cost when computing the price differential.

(c) **Insurance proceeds:** To the extent necessary to avoid duplicate compensation, the amount of any insurance proceeds received by a person in connection with a loss to the displacement dwelling due to a catastrophic occurrence (fire, flood, etc.,) shall be included in the acquisition cost of the displacement dwelling when computing the price differential. (Also see WAC 468-100-003.)

(d) **Owner retention/salvage of displacement dwelling:** If the owner retains ownership of, or obtains salvage rights to, the person's dwelling, moves it from the displacement site, and reoccupies it on a replacement site, the purchase price of the replacement dwelling shall be the sum of:

(i) The cost of moving and restoring the dwelling to retain the functional utility it had when situated on the displacement site; and

(ii) The cost of making the unit a DSS replacement dwelling (defined in WAC 468-100-002(6)); and

(iii) The current fair market value for residential use of the replacement site (based on any reasonable evaluation method determined by the agency), unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site; and

(iv) The retention/salvage value of the displacement dwelling, as determined from the acquisition of the displacement dwelling.

(e) **Owner constructs replacement dwelling:** If the owner obtains a DSS replacement dwelling by contracting for or otherwise obtaining new construction, the purchase price of the replacement dwelling shall be the sum of:

(i) The cost necessary to construct a dwelling that is comparable to the displacement dwelling; and

(ii) The current fair market value for residential use of the replacement site (based on any reasonable evaluation method determined by the agency), unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site.

(4) **Increased mortgage interest costs:**

(a) The displacing agency shall determine the factors to be used in computing the amount to be paid to a displaced person under subsection (2)(b) of this section. The payment for increased mortgage interest costs shall be the amount which will reduce the mortgage balance on a new mortgage to an amount which could be amortized with the same monthly payment for principal and interest as that for the mortgage(s) on the displacement dwelling. In addition, payments shall include other debt service costs, if not paid as incidental costs, and shall be based only on bona fide mortgages that were valid liens on the displacement dwelling for at least one hundred eighty days prior to the initiation of negotiations. (b) through (f) of this subsection shall apply to the computation of the increased mortgage interest costs payment, which payment shall be contingent upon a mortgage being placed on the replacement dwelling.

(b) The payment shall be based on the unpaid mortgage balance(s) on the displacement dwelling; however, in the event the person obtains a smaller mortgage than the mortgage balance(s) computed in the buydown determination the payment will be prorated and reduced accordingly.

In the case of a home equity loan the unpaid balance shall be that balance which existed one hundred eighty days prior to the initiation of negotiations or the balance on the date of acquisition, whichever is less.

(c) The payment shall be based on the remaining term of the mortgage(s) on the displacement dwelling or the term of the new mortgage, whichever is shorter.

(d) The interest rate on the new mortgage used in determining the amount of the payment shall not exceed the prevailing fixed interest rate for conventional mortgages currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.

(e) Purchaser's points and loan origination or assumption fees, but not seller's points, shall be paid to the extent:

(i) They are not paid as incidental expenses;

(ii) They do not exceed rates normal to similar real estate transactions in the area;

(iii) The agency determines them to be necessary; and

(iv) The computation of such points and fees shall be based on the unpaid mortgage balance on the displacement dwelling, less the amount determined for the reduction of such mortgage balance under this section.

(f) The displaced person shall be advised of the approximate amount of this payment and the conditions that must be met to receive the payment as soon as the facts relative to the person's current mortgage(s) are known and the payment shall be made available at or near the time of closing on the replacement dwelling in order to reduce the new mortgage as intended.

(5) Incidental purchase expenses: The incidental purchase expenses to be paid for a one hundred eighty-day homeowner-occupant (under subsection (2)(c) of this section) or for downpayment assistance (under WAC 468-100-402 (3)(a)) are those necessary and reasonable costs actually incurred by the displaced person incident to the purchase of a replacement dwelling, and customarily paid by the buyer, including and are limited by such costs based on the cost of a comparable replacement dwelling pursuant to WAC 468-100-403(1):

(a) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees.

(b) Lender, FHA, or VA application and appraisal fees.

(c) Loan origination or assumption fees that do not represent prepaid interest.

(d) Certification of structural soundness and termite inspection when required.

(e) Credit report.

(f) Owner's and mortgagee's evidence of title, e.g., title insurance.

(g) Escrow agent's fee.

(h) State revenue or documentary stamps, sales or transfer taxes.

(i) Such other costs as the agency determines to be incidental to the purchase.

(6) Rental assistance payment for one hundred eighty-day homeowner: A one hundred eighty-day homeowner-occupant who is eligible for a replacement housing payment under subsection (1) of this section but elects to rent a replacement dwelling, is eligible for a rental assistance payment not to exceed five thousand two hundred fifty dollars, computed and disbursed in accordance with WAC 468-100-402(2).

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-401, filed 8/14/89, effective 9/14/89.]

WAC 468-100-402 Replacement housing payment for ninety-day occupants. (1) **Entitlement:** A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed five thousand two hundred fifty dollars for rental assistance, as computed in accordance with subsection (2) of this section, or downpayment assistance, as computed in accordance with subsection (3) of this section, if such displaced person:

(a) Has actually and lawfully occupied the displacement dwelling for at least ninety days immediately prior to the initiation of negotiations; and

(b) Has rented, or purchased, and occupied a DSS replacement dwelling within one year (unless the agency extends this period for good cause) after:

(i) For a tenant, the date the tenant moves from the displacement dwelling; or

(ii) For an owner-occupant, the later of:

(A) The date the owner-occupant receives final payment for the displacing interest, or in the case of condemnation, the date the required amount is deposited with the court; or

(B) The date the owner-occupant moves from the displacement dwelling.

(2) **Rental assistance payment:**

(a) **Amount of payment:** An eligible displaced person who rents a replacement dwelling is entitled to a payment not to exceed five thousand two hundred fifty dollars for rental assistance. (See also WAC 468-100-403(2).) Such payment shall be forty-two times the amount obtained by subtracting the base monthly rent or the fair market rent (in accordance with (b) of this subsection) of the displacement dwelling for a reasonable period prior to displacement, as determined by the agency, from the lesser of:

(i) The monthly rent and average monthly cost of utilities for a comparable replacement dwelling; or

(ii) The monthly rent and estimated average monthly utilities for the DSS replacement dwelling actually occupied by the displaced person.

(b) **Base monthly rental for displacement dwelling:** The base monthly rental for the displacement dwelling is the lesser of:

(i) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the agency. (For an owner-occupant, use the fair market rent for the displacement dwelling. For a tenant who paid little or no rent for the displacement dwelling, use the fair market rent, unless its use would result in a hardship because of the person's income or other circumstances); or

(ii) Thirty percent of the person's average gross household income. (If the person refuses to provide appropriate evidence of income or is a dependent, the base monthly rental shall be established solely on the criteria in (b)(i) of this subsection. A full time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise.)

(iii) The total of the amounts designated for shelter and utilities if receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities.

(c) **Manner of disbursement:** A rental assistance payment may, at the agency's discretion, be disbursed in either a lump sum or in installments. However, except as limited by WAC 468-100-403(7), the full amount vests immediately, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing.

(3) **Downpayment assistance payment:**

(a) **Amount of payment:** An eligible displaced person who purchases a replacement dwelling is entitled to a downpayment assistance payment in the amount the person would receive under subsection (2) of this section if the person rented a comparable replacement dwelling. At the discretion of the agency, a downpayment assistance payment may be increased to any amount not to exceed five thousand two hundred fifty dollars. However, the payment to a displaced homeowner shall not exceed the amount the owner would receive under WAC 468-100-401(2) if he or she met the one hundred eighty-day

occupancy requirement. An agency's discretion to provide the maximum payment shall be exercised in a uniform and consistent manner, so that eligible displaced persons in like circumstances are treated equally. A displaced person eligible to receive a payment as a one hundred eighty-day owner-occupant under WAC 468-100-401(1) is not eligible for this payment.

(b) Application of payment: The full amount of the replacement housing payment for downpayment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-402, filed 8/14/89, effective 9/14/89.]

WAC 468-100-403 Additional rules governing replacement housing payments. (1) **Determining cost of comparable replacement dwelling:** The upper limit of a replacement housing payment shall be based on the cost of a comparable replacement dwelling (defined in WAC 468-100-002(4)).

(a) **Three-comparable method:** If available, at least three comparable replacement dwellings (defined in WAC 468-100-002(4)) shall be examined and the payment computed on the basis of the dwelling most nearly representative of, and equal to, or better than, the displacement dwelling. An adjustment shall be made to the asking price of any dwelling, to the extent justified by local market data (see also WAC 468-100-205 (1)(b)). An obviously overpriced or underpriced dwelling may be ignored.

(b) **Major exterior attribute:** If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site (e.g., the site is significantly smaller or does not contain a swimming pool), the value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment.

(c) **Remainder offer:** If the acquisition of a portion of a typical residential property causes the displacement of the owner from the dwelling and the remainder is a remnant of the displacement dwelling site or a buildable residential lot, the agency may offer to purchase that remainder. If such an offer is made and the owner refuses to sell the remainder to the agency, the value attributable to that remainder, shall be added to the acquisition price paid for the displacement dwelling for purposes of computing the price differential.

(d) **Location:** Comparable replacement dwellings shall be selected preferably from the neighborhood in which the displacement dwelling was located or, if not otherwise feasible, from nearby or similar neighborhoods where housing costs are generally the same as in the displacement neighborhood. Where that is not possible dwellings may be selected from neighborhoods where housing costs are the same or higher.

(2) **Applicability of last resort housing:** Whenever a twenty-two thousand five hundred dollar replacement housing payment under WAC 468-100-401 or a five thousand two hundred fifty dollar replacement housing

payment under WAC 468-100-402 would be insufficient to ensure that a comparable replacement dwelling is available on a timely basis to a person, the agency shall provide additional or alternative assistance under the last resort housing provisions in WAC 468-100-601 and 468-100-602, which may include increasing the replacement housing payment so that a replacement dwelling is within the displaced person's financial means as described in subsection (1)(g) of this section.

(3) **Inspection of replacement dwelling:** Before making a replacement housing payment or releasing a payment from escrow, the agency or its designated representative shall inspect the replacement dwelling and determine whether it is a DSS dwelling as defined in WAC 468-100-002(6).

(4) **Purchase of replacement dwelling:** A displaced person is considered to have met the requirement to purchase a replacement dwelling, if the person:

(a) Purchases a dwelling; or

(b) Purchases and rehabilitates a substandard dwelling; or

(c) Relocates a dwelling which the person owns or purchases; or

(d) Constructs a dwelling on a site the person owns or purchases; or

(e) Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases; or

(f) Currently owns a previously purchased dwelling and site, valuation of which shall be on the basis of current fair market value.

(5) **Occupancy requirements for displacement or replacement dwelling:** No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in this chapter for a reason beyond the person's control, including:

(a) A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the funding agency; or

(b) Another reason, such as a delay in the construction of the replacement dwelling, military reserve duty, or hospital stay, as determined by the agency.

(6) **Conversion of payment:** A displaced person who initially rents a replacement dwelling and receives a rental assistance payment under WAC 468-100-402(2) is eligible to receive a payment under WAC 468-100-401 or 468-100-402(3) if the person meets the eligibility criteria for such payments, including purchase and occupancy within the prescribed one-year period. Any portion of the rental assistance payment that has been disbursed shall be deducted from the payment computed under WAC 468-100-401 or 468-100-402(3).

(7) **Payment after death:** A replacement housing payment is personal to the displaced person and upon the person's death the undisbursed portion of any such payment shall not be paid to the heirs or assigns, except that:

(a) The amount attributable to the displaced person's period of actual occupancy of the replacement housing shall be paid.

(b) The full payment shall be disbursed in any case in which a member of a displaced family dies and the other family member(s) continue to occupy a DSS replacement dwelling.

(c) Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-403, filed 8/14/89, effective 9/14/89.]

SUBPART F MOBILE HOMES

WAC 468-100-501 Applicability. WAC 468-100-501 through 468-100-505 describes the requirements governing the provision of relocation payments to a person displaced from a mobile home and/or mobile homesite who meets the basic eligibility requirements of this chapter. Except as modified by WAC 468-100-501 through 468-100-505, such a displaced person is entitled to a moving expense payment in accordance with WAC 468-100-301 through 468-100-306 and a replacement housing payment in accordance with WAC 468-100-401 through 468-100-403 to the same extent and subject to the same requirements as persons displaced from conventional dwellings.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-501, filed 8/14/89, effective 9/14/89.]

WAC 468-100-502 Moving and related expenses—Mobile homes. A tenant or owner-occupant displaced from a mobile home or mobile homesite is entitled to a payment for the cost of moving his or her personal property on an actual cost basis in accordance with WAC 468-100-301 or, as an alternative, on the basis of a fixed payment under WAC 468-100-302. (However, if the mobile home is not acquired but the owner obtains a replacement housing payment under one of the circumstances described in WAC 468-100-503(3), the owner is not eligible for payment for moving the mobile home.) The following apply to payments for actual moving expenses under WAC 468-100-301:

(1) A displaced mobile homeowner, who moves the mobile home to a replacement site, is eligible for the necessary and reasonable cost of disassembling, moving, and reassembling any attached appurtenances (such as porches, decks, skirting, and awnings) which were not acquired, anchoring of the unit, and utility "hook-up" charges.

(2) If a mobile home requires repairs and/or modifications so that it can be moved and/or made decent, safe, and sanitary, and the agency determines that it would be practical to relocate it, the reasonable cost of such repairs and/or modifications is reimbursable.

(3) A nonreturnable mobile home park entrance fee is reimbursable, to the extent it does not exceed the fee at

a comparable mobile home park, if the person is displaced from a mobile home park or the agency determines that payment of the fee is necessary to effect relocation.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-502, filed 8/14/89, effective 9/14/89.]

WAC 468-100-503 Replacement housing payment for one hundred eighty-day mobile home owner-occupants. A displaced owner-occupant of a mobile home is entitled to a replacement housing payment, not to exceed twenty-two thousand five hundred dollars under WAC 468-100-401 if:

(1) The person both owned the displacement mobile home and occupied it on the displacement site for at least the one hundred eighty days immediately prior to the initiation of negotiations;

(2) The person meets the other basic eligibility requirements in WAC 468-100-401(1); and

(3) The agency acquires the mobile home and/or mobile homesite or the mobile home is not acquired by the agency but the owner is displaced from the mobile home because the agency determines that the mobile home:

(a) Is not and cannot economically be made decent, safe, and sanitary; or

(b) Cannot be relocated without substantial damage or unreasonable cost; or

(c) Cannot be relocated because there is no available comparable replacement site; or

(d) Cannot be relocated because it does not meet mobile home park entrance requirements.

If the mobile home is not actually acquired, but the agency determines that it is not practical to relocate it, the acquisition cost of the displacement dwelling used when computing the price differential amount, described in WAC 468-100-401(3), shall include the salvage value or trade-in value of the mobile home, whichever is higher.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-503, filed 8/14/89, effective 9/14/89.]

WAC 468-100-504 Replacement housing payments for ninety-day mobile home occupants. A displaced tenant or owner-occupant of a mobile home is eligible for a replacement housing payment, not to exceed five thousand two hundred fifty dollars, under WAC 468-100-402 if:

(1) The person actually occupied the displacement mobile home on the displacement site for at least the ninety days immediately prior to the initiation of negotiations;

(2) The person meets the other basic eligibility requirements in WAC 468-100-402(1); and

(3) The agency acquires the mobile home and/or mobile homesite, or the mobile home is not acquired by the agency but the owner or tenant is displaced from the mobile home because of one of the circumstances described in WAC 468-100-503(3).

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-504, filed 8/14/89, effective 9/14/89.]

WAC 468-100-505 Additional rules governing relocation payment to mobile home occupants. (1) Replacement housing payment based on dwelling and site: Both the mobile home and mobile homesite must be considered when computing a replacement housing payment. For example, a displaced mobile home occupant may have owned the displacement mobile home and rented the site or may have rented the displacement mobile home and owned the site. Also a person may elect to purchase a replacement mobile home and rent a replacement site, or rent a replacement mobile home and purchase a replacement site. In such cases, the total replacement housing payment shall consist of a payment for a dwelling and a payment for a site, each computed under the applicable section in WAC 468-100-401 through 468-100-403. However, the total replacement housing payment under WAC 468-100-401 through 468-100-403 shall not exceed the maximum payment (either twenty-two thousand five hundred dollars or five thousand two hundred fifty dollars) permitted under the subsection that governs the computation for the dwelling. (See also WAC 468-100-403(2).)

(2) Cost of comparable replacement dwelling:

(a) If a comparable replacement mobile home is not available, the replacement housing payment shall be computed on the basis of the reasonable cost of a conventional comparable replacement dwelling.

(b) If the agency determines that it would be practical to relocate the mobile home, but the owner-occupant elects not to do so, the agency may determine that, for purposes of computing the price differential under WAC 468-100-401(3), the cost of a comparable replacement dwelling is the sum of:

- (i) The value of the mobile home;
- (ii) The cost of any necessary repairs or modifications; and
- (iii) The estimated cost of moving the mobile home to a replacement site.

(3) **Initiation of negotiations:** If the mobile home is not actually acquired, but the occupant is considered displaced under this chapter, the "initiation of negotiations" is the date of initiation of negotiations to acquire the land, or, if the land is not acquired, the date of the written notification that the occupant is a displaced person under this chapter.

(4) **Person moves mobile home:** If the owner is reimbursed for the cost of moving the mobile home under this chapter, the owner is not eligible to receive a replacement housing payment to assist in purchasing or renting a replacement mobile home. The owner may, however, be eligible for assistance in purchasing or renting a replacement site.

(5) **Partial acquisition of mobile home park:** The acquisition of a portion of a mobile home park property may leave a remaining part of the property that is not adequate to continue the operation of the park. If the agency determines that a mobile home located in the remaining part of the property must be moved as a direct result of the project, the owner and any tenant shall be considered a displaced person who is entitled to relocation payments and other assistance under this chapter.

(6) **General provisions:** WAC 468-100-403 also applies.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-505, filed 8/14/89, effective 9/14/89.]

SUBPART G

LAST RESORT HOUSING

WAC 468-100-601 Applicability. (1) **Basic determination to provide last resort housing:** A person cannot be required to move from the person's dwelling unless at least one comparable replacement dwelling is made available to the person. Whenever an agency determines that a replacement housing payment under WAC 468-100-401 through 468-100-403 would not be sufficient to provide a comparable replacement dwelling on a timely basis to the person, the agency is authorized to take appropriate cost-effective measures under WAC 468-100-601 and 468-100-602 to provide such a dwelling. The agency's obligation to ensure that a comparable replacement dwelling is available shall be met when such a dwelling, or assistance necessary to provide such a dwelling, is offered under the provisions of WAC 468-100-601 and 468-100-602.

(2) Basic rights of persons to be displaced:

(a) The provisions of WAC 468-100-601 and 468-100-602 do not deprive any displaced person of any rights the person may have under chapter 8.26 RCW or any implementing regulations. The agency shall not require any displaced person to accept a dwelling provided by the agency under the procedures in WAC 468-100-601 and 468-100-602 (unless the agency and the displaced person have entered into a contract to do so) in lieu of any acquisition payment or any relocation payment for which the person may otherwise be eligible. A one hundred eighty-day homeowner-occupant who is eligible for a payment under WAC 468-100-401 is entitled to a reasonable opportunity to purchase a comparable replacement dwelling.

(b) The actual amount of assistance shall be limited to the amount necessary to relocate to a comparable replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling or the date the person is initially offered a comparable replacement dwelling, whichever is later.

(c) The agency is not required to provide persons owning only a fractional interest in the displacement dwelling a greater level of assistance to purchase a replacement dwelling than the agency would be required to provide such persons if they owned fee simple title to the displacement dwelling. If such assistance is not sufficient to buy a replacement dwelling, the agency may provide additional purchase assistance or rental assistance.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-601, filed 8/14/89, effective 9/14/89.]

WAC 468-100-602 Methods of providing replacement housing. Agencies shall have broad latitude in implementing WAC 468-100-601 and 468-100-602, but

implementation shall be on a reasonable cost-effective basis.

(1) The methods of providing last resort housing include, but are not limited to:

(a) Rehabilitation of and/or additions to an existing replacement dwelling.

(b) The construction of a new replacement dwelling.

(c) The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest free.

(d) A replacement housing payment in excess of the limits set forth in WAC 468-100-401 or 468-100-402. A rental assistance subsidy under WAC 468-100-601 and 468-100-602 may be provided in installments or in a lump sum.

(e) The relocation and, if necessary, rehabilitation of a dwelling.

(f) The purchase of land and/or a replacement dwelling by the displacing agency and subsequent sale or lease to, or exchange with, a displaced person.

(g) The removal of barriers to the handicapped.

(h) The change in status of the displaced person from tenant to homeowner when it is more cost-effective to do so, as in cases where a downpayment may be less expensive than a last resort rental assistance payment.

(2) Under special circumstances, modified methods of providing housing of last resort permit consideration of:

(a) Replacement housing based on space and physical characteristics different from those in the displacement dwelling.

(b) Upgraded, but smaller replacement housing that is decent, safe, and sanitary and adequate to accommodate individuals or families displaced from marginal or sub-standard housing with probable functional obsolescence.

(c) The financial means of a displaced person who is not eligible to receive a replacement housing payment because of failure to meet length-of-occupancy requirements when comparable replacement rental housing is not available at rental rates within thirty percent of the person's gross monthly household income.

[Statutory Authority: Chapter 8.26 RCW. 89-17-048 (Order 121), § 468-100-602, filed 8/14/89, effective 9/14/89.]

Chapter 468-300 WAC

STATE FERRIES AND TOLL BRIDGES

WAC

468-300-010	Ferry passenger tolls.
468-300-020	Auto, motorcycle, and stowage ferry tolls.
468-300-040	Trucks and trucks with trailer ferry tolls.
468-300-070	Noncommercial vehicle with trailer, oversize vehicle, stage and bus, newspaper, express shipments and medical supplies ferry tolls.
468-300-100	Leases of facilities and facility space.
468-300-210	Transporting hazardous materials on Washington state ferries.
468-300-410	Hood Canal bridge toll schedule.

468-300-510	Spokane River toll bridge.
468-300-600	Policy governing distribution of materials on ferry vessels and at ferry terminals.
468-300-610	No smoking areas.
468-300-700	Preferential loading.

Reviser's note: Formerly chapter 252-300 WAC.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

468-300-005	Port Townsend-Edmonds and Lofall-Southpoint ferry fares. [Statutory Authority: RCW 47.60.325. 80-04-104 (Order 15, Resolution No. 72), § 468-300-005, filed 4/1/80; 79-09-136 (Order 11, Resolution No. 57), § 468-300-005, filed 9/5/79. Statutory Authority: RCW 47.56.030 and 47.60.325. 79-06-037 (Order 8, Resolution No. 48), § 468-300-005, filed 5/17/79, effective 6/17/79.] Repealed by 85-11-007 (Order 44, Resolution No. 241), filed 5/3/85. Statutory Authority: RCW 47.60.326.
468-300-030	Oversized vehicle, stage and bus, newspaper, express shipment and medical supplies ferry tolls. [Statutory Authority: RCW 47.60.326. 86-06-010 (Order 54, Resolution No. 263), § 468-300-030, filed 2/21/86; 85-11-007 (Order 44, Resolution No. 241), § 468-300-030, filed 5/3/85; 84-11-052 (Order 42, Resolution Nos. 221 and 222), § 468-300-030, filed 5/17/84; 84-10-002 (Order 41, Resolution No. 218), § 468-300-030, filed 4/20/84; 83-07-062 (Order 33, Resolution No. 175), § 468-300-030, filed 3/22/83; 82-18-009 (Order 29, Resolution No. 153), § 468-300-030, filed 8/20/82; 82-07-063 (Order 28, Resolution No. 143), § 468-300-030, filed 3/22/82. Statutory Authority: RCW 47.60.325 and 47.56.030. 81-15-099 (Order 23, Resolution No. 117), § 468-300-030, filed 7/22/81. Statutory Authority: RCW 47.60.325. 81-08-044 (Order 17, Resolution No. 104), § 468-300-030, filed 3/31/81; 80-04-104 (Order 15, Resolution No. 72), § 468-300-030, filed 4/1/80; 79-09-136 (Order 11, Resolution No. 57), § 468-300-030, filed 9/5/79; 79-04-047 (Order 6, Resolution No. 44), § 468-300-030, filed 3/27/79; 78-06-040 (Order 2, Resolution No. 21), § 468-300-030, filed 5/19/78.] Repealed by 87-12-005 (Order 61, Resolution No. 298), filed 5/21/87. Statutory Authority: RCW 47.56.030 and 47.60.326.
468-300-050	Trailer ferry tolls. [Statutory Authority: RCW 47.60.325 and 47.56.030. 81-15-099 (Order 23, Resolution No. 117), § 468-300-050, filed 7/22/81. Statutory Authority: RCW 47.60.325. 81-08-044 (Order 17, Resolution No. 104), § 468-300-050, filed 3/31/81; 80-04-104 (Order 15, Resolution No. 72), § 468-300-050, filed 4/1/80; 79-09-136 (Order 11, Resolution No. 57), § 468-300-050, filed 9/5/79; 79-04-047 (Order 6, Resolution No. 44), § 468-300-050, filed 3/27/79; 78-06-040 (Order 2, Resolution No. 21), § 468-300-050, filed 5/19/78.] Repealed by 82-07-063 (Order 28, Resolution No. 143), filed 3/22/82. Statutory Authority: RCW 47.60.326.
468-300-060	Round trip party ferry tolls. [Statutory Authority: RCW 47.60.325. 78-06-040 (Order 2, Resolution No. 21), § 468-300-060, filed 5/19/78.] Repealed by 79-04-047 (Order 6, Resolution No. 44), filed 3/27/79. Statutory Authority: RCW 47.60.325.
468-300-500	Second Lake Washington toll bridge toll schedule. [Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-300-500, filed 12/20/78. Formerly chapter 252-300 WAC (part) (uncodified) and WAC 252-300-010.] Repealed by 80-04-104 (Order 15, Resolution No. 72), filed 4/1/80. Statutory Authority: RCW 47.60.325.

WAC 468-300-010 Ferry passenger tolls.

Effective 03:00 a.m. September 11, 1989

ROUTES	Full Fare	Half Fare**	COM- MU- TATION	Bicycle Surcharge *****
			20 Rides ****	
Via Passenger-Only Ferry				
Seattle-Vashon				
Seattle-Southworth				
Seattle-Bremerton				
Via Auto Ferry				
Fauntleroy-Southworth				
Seattle-Bremerton				
Seattle-Winslow				
Edmonds-Kingston				
Pt. Townsend-Keystone				
Fauntleroy-Vashon				
Southworth-Vashon				
Pt. Defiance-Tahlequah				
Mukilteo-Clinton				
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	* 3.30	1.65	19.80	N/C
Anacortes to Sidney and Sidney to all destinations	6.05	3.05	N/A	2.50
Between Lopez, Shaw, Orcas***** and Friday Harbor	————— N/C	N/C	N/C	2.25
From Lopez, Shaw, Orcas and Friday Harbor@ to Sidney	————— 2.25	1.25	N/A	1.00

@These fares rounded to the nearest multiple of \$.25.

*These routes operate as a one-point toll collection system.

**Half Fare

Children – Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

Senior Citizens – Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route.

Handicapped – Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, may travel at half-fare tolls on any route upon presentation of a WSF Handicapped Travel Permit or Regional Reduced Fare Permit at time of travel. In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Handicapped Travel Permit and such endorsement shall allow the attendant to also travel at half fare.

Bus Passengers – Passengers traveling in vehicles licensed as stages and buses, unless traveling under an annual permit, will be charged half-fare.

Medicare Card Holders – Any person holding a Medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act may travel at half-fare tolls on any route upon presentation of a WSF Handicapped Travel Permit or a Regional Reduced Fare Permit at time of travel.

NOTE: Half-fare privilege does not include vehicle.

****Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

*****Inter-island passenger fares included in Anacortes tolls.

*****Bicycle surcharge is in addition to the appropriate passenger fare.

PROMOTIONAL TOLLS

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

[Statutory Authority: RCW 47.56.030 and 47.60.326. 89-14-052 (Order 67, Resolution No. 354), § 468-300-010, filed 6/30/89; 89-04-014 (Order 66, Resolution No. 343), § 468-300-010, filed 1/23/89, effective 7/1/89; 87-12-005 (Order 61, Resolution No. 298), § 468-300-010, filed 5/21/87. Statutory Authority: RCW 47.60.290, 47.60.300 and 47.60.326. 86-24-009 (Order 59, Resolution No. 287), § 468-300-010, filed 11/21/86. Statutory Authority: RCW 47.60.326. 86-06-010 (Order 54, Resolution No. 263), § 468-300-010, filed 2/21/86; 85-11-007 (Order 44, Resolution No. 241), § 468-300-010, filed 5/3/85; 84-11-052 (Order 42, Resolution Nos. 221 and 222), § 468-300-010, filed 5/17/84; 84-10-002 (Order 41, Resolution No. 218), § 468-300-010, filed 4/20/84; 83-07-062 (Order 33, Resolution No. 175), § 468-300-010, filed 3/22/83; 82-07-063 (Order 28, Resolution No. 143), § 468-300-010, filed 3/22/82. Statutory Authority: RCW 47.60.325 and 47.56.030. 81-15-099 (Order 23, Resolution No. 117), § 468-300-010, filed 7/22/81. Statutory Authority: RCW 47.60.325. 81-08-044 (Order 17, Resolution No. 104), § 468-300-010, filed 3/31/81; 80-16-012 (Order 16, Resolution No. 90), § 468-300-010, filed 10/27/80; 80-04-104 (Order 15, Resolution No. 72), § 468-300-010, filed 4/1/80; 79-09-136 (Order 11, Resolution No. 57), § 468-300-010, filed 9/5/79; 79-04-047 (Order 6, Resolution No. 44), § 468-300-010, filed 3/27/79; 78-06-040 (Order 2, Resolution No. 21), § 468-300-010, filed 5/19/78.]

WAC 468-300-020 Auto, motorcycle, and stowage ferry tolls.

Effective 03:00 a.m. September 11, 1989

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER *****	
	One Way	Commutation 20 Rides ***	One Way	Commutation 20 Rides ***
Fauntleroy-Southworth				
Seattle-Bremerton				
Seattle-Winslow				
Pt. Townsend-Keystone				
Edmonds-Kingston				
Fauntleroy-Vashon				
Southworth-Vashon				
Pt. Defiance-Tahlequah				
Mukilteo-Clinton	5.55	88.80	3.05	40.65
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	7.50	60.00	4.10	27.35
Anacortes to Sidney and Sidney to all destinations	3.75	60.00	2.05	27.35
Between Lopez, Shaw, Orcas and Friday Harbor **** @	11.60	10 Rides 46.40	7.15	47.65
From Lopez, Shaw, Orcas@ and Friday Harbor to Sidney	13.85	55.40	8.20	54.65
	15.85	63.40	9.50	63.35
	26.05	N/A	13.15	N/A
	6.50	26.00	2.25	N/A
	13.25	N/A	6.00	N/A

@These fares rounded to the nearest multiple of \$.25.

*These routes operate as a one-point toll collection system.

**Vanpools – A commuter vanpool which carries seven or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$10 fee, a permit valid for a three-month period valid only during the hours shown on the permit. The permit for commuter pool agency vanpools shall be valid for one year. By July 1, 1990, all vanpools will be required to have tax exempt or vanpool specialized licenses. The fee for private vanpool permits will be reduced from ten dollars per quarter to ten dollars per year to coincide with the fee charged to public vanpools, effective July 1, 1990. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than the amount equal to four times the applicable passenger fare.

***Commutation tickets shall be valid only for 90-days from date of purchase after which time the ticket shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

****Tolls collected westbound only.

***** Carry on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.

SUMMER SURCHARGE

A 20% surcharge shall be applied to coincide with the summer schedule period to regular, noncommutation auto and noncommercial vehicles with trailers and oversize vehicles.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.

SPECIAL SCHOOL RATE

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicles load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

NOTE: Special school rate is \$2.00 on routes where one-way only toll systems are in effect. Special student Rate not available on Anacortes-Sidney, B.C. route beginning the third Sunday in June and ending the third Saturday in September due to limited space.

PROMOTIONAL TOLLS

A promotional rate may be established at the discretion of the secretary of transportation for a specified discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

[Statutory Authority: RCW 47.56.030 and 47.60.326. 89-14-052 (Order 67, Resolution No. 354), § 468-300-020, filed 6/30/89; 89-04-014 (Order 66, Resolution No. 343), § 468-300-020, filed 1/23/89, effective 7/1/89; 87-12-005 (Order 61, Resolution No. 298), § 468-300-020, filed 5/21/87. Statutory Authority: RCW 47.60.326. 86-06-010 (Order 54, Resolution No. 263), § 468-300-020, filed 2/21/86; 85-11-007 (Order 44, Resolution No. 241), § 468-300-020, filed 5/3/85; 84-11-052 (Order 42, Resolution Nos. 221 and 222), § 468-300-020, filed 5/17/84; 84-10-002 (Order 41, Resolution No. 218), § 468-300-020, filed 4/20/84; 83-07-062 (Order 33, Resolution No. 175), § 468-300-020, filed 3/22/83; 82-07-063 (Order 28, Resolution No. 143), § 468-300-020, filed 3/22/82. Statutory Authority: RCW 47.60.325 and 47.56.030. 81-15-099 (Order 23, Resolution No. 117), § 468-300-020, filed 7/22/81. Statutory Authority: RCW 47.60.325. 81-08-044 (Order 17, Resolution No. 104), § 468-300-020, filed 3/31/81; 80-04-104 (Order 15, Resolution No. 72), § 468-300-020, filed 4/1/80; 79-09-136 (Order 11, Resolution No. 57), § 468-300-020, filed 9/5/79; 79-04-047 (Order 6, Resolution No. 44), § 468-300-020, filed 3/27/79; 78-06-040 (Order 2, Resolution No. 21), § 468-300-020, filed 5/19/78.]

WAC 468-300-040 Trucks and trucks with trailer ferry tolls.

Effective 03:00 a.m. September 11, 1989

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.
	Class I ***	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII	
Under 18'	18' to Under 28'	28' to Under 38'	38' to Under 48'	48' to Under 58'	58' to Under 68'	68' to Under 78'	Over 78'		
Fauntleroy-Southworth									
Seattle-Bremerton		5.55	9.40	18.65	27.85	37.10	46.35	55.50	55.50
Seattle-Winslow									.80
Pt. Townsend-Keystone									
Edmonds-Kingston									
Fauntleroy-Vashon									
Southworth-Vashon		7.50	13.20	26.20	39.00	51.90	64.90	77.90	77.90
Pt. Defiance-Tahlequah									1.10
Mukilteo-Clinton		3.75	6.60	13.10	19.50	25.95	32.45	38.95	38.95
**Anacortes to Lopez, Shaw, Orcas * or Friday Harbor		11.60							.55
Anacortes to Sidney		13.85	22.45	44.65	66.80	88.95	111.20	133.35	133.35
**and Sidney to all destinations		15.85							1.85
Between Lopez, Shaw, Orcas **@ and Friday Harbor		26.05	34.20	57.70	81.20	104.75	128.40	151.95	151.95
**From Lopez, Shaw, Orcas and Friday Harbor to Sidney@		6.50	11.00	11.00	11.00	44.00	44.00	44.00	N/A
		13.25	20.00	34.00	48.00	61.50	75.50	89.25	89.25
									1.00

@These fares rounded to the nearest multiple of \$.25.

*These routes operate as a one-point toll collection system.

**Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.

***Includes all trucks licensed 8,001 lbs. gross vehicle weight and above, except busses. Trucks under 8,001 lbs. will be classified as automobiles.

Also includes all trucks licensed 8,001 lbs. gross vehicle weight and above pulling trailers, vehicles licensed as fixed load, unlicensed vehicles and road machinery on wheels. Vehicles not included in this class cannot be charged under this class.

****Toll collected westbound only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

DISCOUNT PERCENTAGES FROM REGULAR TOLL

12 or more, one-way crossings

per week (Sunday thru Saturday) will qualify for a 25% discount from the regular ferry tolls.

Emergency trips during nonservice hours - while at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

[Statutory Authority: RCW 47.56.030 and 47.60.326. 89-14-052 (Order 67, Resolution No. 354), § 468-300-040, filed 6/30/89; 89-04-014 (Order 66, Resolution No. 343), § 468-300-040, filed 1/23/89, effective 7/1/89; 87-12-005 (Order 61, Resolution No. 298), § 468-300-040, filed 5/21/87. Statutory Authority: RCW 47.60.290, 47.60.300 and 47.60.326. 86-24-009 (Order 59, Resolution No. 287), § 468-300-040, filed 11/21/86. Statutory Authority: RCW 47.60.326. 86-06-010 (Order 54, Resolution No. 263), § 468-300-040, filed 2/21/86; 85-11-007 (Order 44, Resolution No. 241), § 468-300-040, filed 5/3/85; 84-11-052 (Order 42, Resolution Nos. 221 and 222), § 468-300-040, filed 5/17/84; 83-07-062 (Order 33, Resolution No. 175), § 468-300-040, filed 3/22/83; 82-18-009 (Order 29, Resolution No. 153), § 468-300-040, filed 8/20/82; 82-07-063 (Order 28, Resolution No. 143), § 468-300-040, filed 3/22/82. Statutory Authority: RCW 47.60.325 and 47.56.030. 81-15-099 (Order 23, Resolution No. 117), § 468-300-040, filed 7/22/81. Statutory Authority: RCW 47.60.325. 81-08-044 (Order 17, Resolution No. 104), § 468-300-040, filed 3/31/81; 80-04-104 (Order 15, Resolution No. 72), § 468-300-040, filed 4/1/80; 79-09-136 (Order 11, Resolution No. 57), § 468-300-040, filed 9/5/79; 79-04-047 (Order 6, Resolution No. 44), § 468-300-040, filed 3/27/79; 78-06-040 (Order 2, Resolution No. 21), § 468-300-040, filed 5/19/78.]

WAC 468-300-070 Noncommercial vehicle with trailer, oversize vehicle, stage and bus, newspaper, express shipments and medical supplies ferry tolls.

Effective 03:00 a.m. September 11, 1989

Noncommercial Vehicle with Trailer, Oversize Vehicle, Stage and Bus, Newspaper, Express Shipments and Medical Supplies Ferry Tolls***

	18' To Under 28'	28' To Under 38'	38' To Under 48'	48' And Over	Stages And Buses Incl. Driver **
Seattle-Winslow Seattle-Bremerton Edmonds-Kingston Pt. Townsend-Keystone Fauntleroy-Southworth	8.35	11.25	15.90	20.50	12.25
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	11.40	15.80	22.20	28.80	15.70
Mukilteo-Clinton Anacortes to Lopez, Shaw, Orcas or Friday Harbor	5.70	7.90	11.10	14.40	7.85
Anacortes to Sidney and Sidney to all destinations	20.45	27.05	38.10	49.20	33.30
Between Lopez, Shaw, Orcas ****@ and Friday Harbor	33.10	38.85	50.60	62.35	48.50
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	11.00	11.00	11.00	44.00	11.00
	18.25	22.50	29.50	36.50	15.50

(1) BULK NEWSPAPERS per 100 lbs. \$2.20

(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.10 per 100 lbs.)

Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

(2) EXPRESS SHIPMENTS per 100 lbs. \$20.90

(Shipments exceeding 100 lbs. assessed \$8.30 for each 25 lbs. or fraction thereof.)

Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan inter-island express shipments will be handled @ \$2.80 per 100 lbs.

(3) MEDICAL SUPPLIES per 100 lbs. \$1.15

@These fares rounded to the nearest multiple of \$.25.

*These routes operate as a one-point toll collection system.

**Stages - A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

***INCLUDES THE FOLLOWING VEHICLES PULLING TRAILERS:

Automobiles

Trucks licensed under 8,001 lbs. (For trucks 8,001 lbs. and over, see WAC 468-300-040)

Oversize vehicles

Does not include motorcycles with trailers.

Also includes motor homes, and mobile campers that exceed 18' in length. Excludes trucks licensed over 8,000 lbs., passenger busses and stages.

ALL OVERTSIZE VEHICLES UNDER 18' IN LENGTH WILL BE CONSIDERED AS REGULAR CAR AND DRIVER.

****Toll collected westbound only.

Senior citizen discounts for the driver of the above vehicles shall apply.

Senior citizen discount is determined by subtracting full fare passenger rate and adding 1/2 passenger fare.

SUMMER SURCHARGE

A 20% surcharge shall be applied to coincide with this summer schedule period to regular, noncommutation auto and noncommercial vehicles with trailers and oversize vehicles.

[Statutory Authority: RCW 47.56.030 and 47.60.326. 89-14-052 (Order 67, Resolution No. 354), § 468-300-070, filed 6/30/89; 89-04-014 (Order 66, Resolution No. 343), § 468-300-070, filed 1/23/89, effective 7/1/89; 87-12-005 (Order 61, Resolution No. 298), § 468-300-070, filed 5/21/87. Statutory Authority: RCW 47.60.326. 86-06-010 (Order 54, Resolution No. 263), § 468-300-070, filed 2/21/86; 85-11-007 (Order 44, Resolution No. 241), § 468-300-070, filed 5/3/85; 84-11-052 (Order 42, Resolution Nos. 221 and 222), § 468-300-070, filed 5/17/84; 83-07-062 (Order 33, Resolution No. 175), § 468-300-070, filed 3/22/83; 82-18-009 (Order 29, Resolution No. 153), § 468-300-070, filed 8/20/82.]

WAC 468-300-100 Leases of facilities and facility space. (1) It is hereby declared to be the policy of the department to lease toll and ferry facilities and toll and ferry facility space in excess of current needs where feasible and where such lease will not interfere with the normal functioning or the primary operation of the toll or ferry facility. Such leasing should promote maximum use of the toll or ferry facility and constitute a benefit to the taxpayers of the state.

(2) The department is hereby authorized to lease toll or ferry facility property, and food, drink, amusement machine, and similar concessions for periods of up to five years, (except for the Seattle ferry terminal facilities which may be leased for periods of up to ten years) upon public advertisement for bids as follows:

(a) A call for bids shall be published once a week for at least two consecutive weeks preceding the day set for receiving and opening of bids, in not less than two newspapers, both of general circulation in the state.

In the event that the estimated fair market rental value per year of any lease is less than \$5,000, then the

call for bids need be published only in one paper of general circulation in the county where the lease is located. The final publication shall be at least two days prior to the day set for receiving and opening of bids. The call for bids shall state the time, place and date for receiving and opening bids, give a brief description of the facilities or space to be rented, and contain such special provisions or limitations and specifications as may be necessary to comply with applicable statutes and the policy described above.

(b) Award shall be made to the responsive responsible bidder whose proposal is most advantageous to the state. Factors to be considered in making the award shall include, but not be limited to: (i) The monetary return to the state; (ii) the safety and comfort of the traveling public; (iii) the stability and reliability of the proposed operation; and (iv) the acceptability of the proposed operation with ferry system operational requirements.

[Statutory Authority: RCW 47.60.326. 85-11-007 (Order 44, Resolution No. 241), § 468-300-100, filed 5/3/85. Statutory Authority: RCW 47.60.140. 80-09-056 (Order 57), § 468-300-100, filed 7/15/80. Formerly WAC 466-06-010.]

WAC 468-300-210 Transporting hazardous materials on Washington state ferries. (1) "Hazardous materials" mean any materials which are prohibited by 49 CFR § 172.101 from being carried on a regularly scheduled, passenger-carrying vessel sailing. An example is a fully loaded gasoline truck.

(2) The operations superintendent of Washington state ferries (WSF) or his designee may approve the transport of hazardous materials when a vessel and vessel crew are available.

(3) Fares for WSF transport of hazardous materials shall be equal to the round-trip cost, adjusted quarterly, of fuel, deck, and engine labor (including overtime and minimum crew callouts, where applicable), supplies, and maintenance. If more than one carrier of hazardous materials is on a particular trip, the fare for that trip may be divided among the carriers involved.

[Statutory Authority: RCW 47.56.030 and 47.60.326. 87-20-041 (Order 63, Resolution No. 308), § 468-300-210, filed 10/1/87.]

WAC 468-300-410 Hood Canal bridge toll schedule.

Effective 12:01 a.m. June 16, 1985

HOOD CANAL BRIDGE TOLL SCHEDULE

Type of Traffic	Toll
Automobile (All vehicles licensed up to 8,000 lbs.)	\$ 2.00
* Book of 20 tickets for one-way crossing by above type vehicles	32.00
** Carpool	
* Book of 10 tickets for one-way crossing by above type vehicles (available only to senior citizen purchasers, 65 years of age or older)	16.00
Motorcycle	1.00
Bicycle	.50
*** Auto Trailer	2.00
**** Trucks (Over 8,000 lbs. licensed gross weight)	2.00/axle
Bus, School	2.00
*****Bus, All Others	2.00/axle

Effective 12:01 a.m. June 15, 1986

HOOD CANAL BRIDGE TOLL SCHEDULE

Type of Traffic	Toll
Automobile (All vehicles licensed up to 8,000 lbs.)	\$ 1.50
* Book of 20 tickets for one-way crossing by above type vehicles	24.00

Effective 12:01 a.m. June 15, 1986

HOOD CANAL BRIDGE TOLL SCHEDULE

Type of Traffic Toll

** Carpool	
* Book of 10 tickets for one-way crossing by above type vehicles (available only to senior citizen purchasers, 65 years of age or older)	12.00
Motorcycle	.50
Bicycle	.30
*** Auto Trailer	1.50
**** Trucks (Over 8,000 lbs. licensed gross weight)	1.50/axle
Bus, School	1.50
*****Bus, All Others	1.50/axle

*Frequent user tickets shall be for 20 one-way crossings at a 20% discount and shall be good indefinitely. Refunds on unused tickets shall be according to schedule printed on book covers.

All ticket books may be redeemed on 45 days notice by the Washington state ferry system for the cost of the unused tickets.

**Carpools – A commuter carpool which carries three or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington state ferry system may travel at a 50% discount from fares noted. The discount will only be available on Mondays through Fridays and during two two-hour periods as selected by the carpool.

***Any trailer towed by a vehicle classified as an automobile.

****Includes all trucks licensed over 8,000 lbs. gross vehicle weight, except buses. Trucks up to 8,000 lbs. will be classified as automobiles.

TRUCK DISCOUNT PERCENTAGES FROM REGULAR TOLL

50 or more, one-way crossings per month 25% Available to charge customers only.

Truck and truck-trailer combinations will be classified as a single unit.

Truck discounts apply to all such vehicles operated in the name of a single owner or operator.

*****A publicly owned and operated vehicle providing regularly scheduled weekday service for public necessity and convenience may pay a \$10.00 annual fee for each scheduled vehicle.

The \$10.00 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreation purposes.

[Statutory Authority: RCW 47.60.326. 85-11-007 (Order 44, Resolution No. 241), § 468-300-410, filed 5/3/85. Statutory Authority: RCW 47.56.030 and 47.60.326. 83-13-100 (Order 37, Resolution No. 191), § 468-300-410, filed 6/21/83. Statutory Authority: RCW 47.60.326. 82-20-001 (Order 32, Resolution No. 159), § 468-300-410, filed 9/24/82.]

WAC 468-300-510 Spokane River toll bridge. The toll for the Spokane River toll bridge shall be twenty-five cents per two axle vehicle plus ten cents per each additional axle.

Note: Vehicles carrying three or more occupants shall be charged a toll of ten cents.

[Statutory Authority: RCW 47.60.326. 85-11-007 (Order 44, Resolution No. 241), § 468-300-510, filed 5/3/85. Statutory Authority: RCW 47.56.240. 81-10-006 (Order 18, Resolution No. 105), § 468-300-510, filed 4/24/81.]

WAC 468-300-600 Policy governing distribution of materials on ferry vessels and at ferry terminals. No person shall display, distribute or place, for any commercial purpose, any promotion or trade stimulation materials of any kind, including but not limited to any brochure, map, flyer, sign or insignia, aboard any ferry vessel, within any ferry terminal, upon any publicly owned areas adjacent to the ferry terminals, or on or within any other toll facility of the department of transportation, except as may otherwise be authorized by the department.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-300-600, filed 12/20/78. Formerly WAC 252-85-010.]

WAC 468-300-610 No smoking areas. Each passenger carrying state operated ferry shall have specific areas designated by "no smoking" signs where smoking is prohibited. Smoking is prohibited in those areas of all such ferries where "no smoking" signs are posted.

[Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-300-610, filed 12/20/78. Formerly WAC 252-85-050.]

WAC 468-300-700 Preferential loading. In order to protect public health, safety and commerce; to encourage more efficient use of the ferry system; and to reduce dependency on the single occupant private automobiles:

(1) Preferential loading privileges on vessels operated by Washington state ferries exempting vehicles from the standard first-come first-serve rule shall be granted, in the order set forth below, to:

(a) Emergency vehicles actually involved in emergency operations;

(b) Vehicles transporting persons with severe illnesses or severe disabilities such that the delay in loading which would otherwise result would cause health risks, undue strain or undue discomfort to those persons;

(c) Public transportation and/or pupil transportation vehicles owned or operated by public or private transportation operators providing transit or charter service

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under a certificate of public convenience and necessity issued by the utilities and transportation commission of the state of Washington or owned and operated by a local school district or private school system;

(d) Commuter vanpools which are certified in the manner set forth in WAC 468-300-020;

(e) Commuter car pools which shall consist of a minimum number of persons as determined by ferry system management: *Provided*, That such minimum number shall in no case be less than three, and provided further that a formal registration system may be required as determined by ferry system management;

(f) Commercial vehicles traveling on routes where Washington state ferries is the only major access for landbased traffic, provided that the vehicles are carrying wholesale perishable article(s) of commerce to be bought or sold in commercial activity or to be used in the production of other such articles.

(2) Such preferential loading privileges shall be subject to the following conditions:

(a) Privileges shall be granted only where physical facilities are deemed by ferry system management to be adequate to achieve an efficient operation;

(b) Documentation outlining details of travel will be required in advance from all agencies, companies, or individuals requesting such privileges;

(c) Privileges may be limited to specified time periods as determined by ferry system management;

(d) Privileges may require a minimum frequency of travel, as determined by ferry system management;

(e) Privileges may be limited to a specific number of vehicle spaces for any one sailing; and,

(f) Privileges may require arriving at the ferry terminal a specified time prior to the scheduled sailing.

[Statutory Authority: RCW 47.56.030 and 47.60.326. 87-12-005 (Order 61, Resolution No. 298), § 468-300-700, filed 5/21/87. Statutory Authority: RCW 47.60.326. 86-16-011 (Order 55, Resolution No. 273), § 468-300-700, filed 7/25/86. Statutory Authority: RCW 47.60.140. 80-09-056 (Order 57), § 468-300-700, filed 7/15/80.]

Chapter 468-310 WAC

PREQUALIFICATION OF FERRY SYSTEM CONTRACTORS

WAC

468-310-010	General requirements.
468-310-020	Contents of standard prequalification questionnaire and financial statement.
468-310-030	Criteria for determining an unsatisfactory record of performing previous contracts.
468-310-040	Criteria for determining an unsatisfactory record of integrity.
468-310-050	Classification and capacity rating.
468-310-060	Review of restrictions in prequalification certificate.
468-310-070	Joint ventures.
468-310-080	Nonrenewal and revocation of prequalification certificate.
468-310-090	Notification and opportunity for a hearing.
468-310-100	Delegation of authority.

WAC 468-310-010 General requirements. Contractors desiring to offer bids for the performance of contracts for the construction, improvement or repair of a

ferry, ferry terminal, or other facility operated by the Washington state ferries or for the repair, overhaul, or the dry-docking of any ferry operated by Washington state ferries must first be prequalified by the Washington state department of transportation (hereinafter "department") and shall file a standard prequalification questionnaire and financial statement (hereinafter "prequalification questionnaire") using forms furnished by the department. The prequalification questionnaire shall include a report of the financial ability of the contractor, its organization, key personnel, equipment and plant facilities, and experience. Complete answers to all questions and the furnishing of all information as indicated by column headings or otherwise throughout the prequalification questionnaire are an essential part of compliance with these rules. A prequalification questionnaire from a contractor not previously prequalified under these rules, who desires to bid on a project must be received no later than 15 calendar days prior to the bid opening (or such other time as the department may specify with respect to any project) in order to receive consideration for that bid opening. The contractor shall authorize the department to obtain all information which it may deem pertinent with respect to the contractor's financial worth, assets and liabilities, and the adequacy of its performance of contracts performed by the contractor in whole or in part within the preceding three years. The department shall issue a certificate of prequalification to any contractor found to possess the qualifications prescribed.

Prequalification may be established in any calendar quarter and is renewable annually. The information submitted in the prequalification questionnaire will be used to establish the first prequalification, classification and maximum capacity ratings of the contractor for its current fiscal year or remaining portion thereof plus one additional calendar quarter. Thereafter prequalification will be renewed and when appropriate, modified in the first quarter of the contractor's fiscal year for the balance of the fiscal year plus one calendar quarter.

The department shall not make available for public inspection and copying financial information supplied by or on behalf of the contractor for the purpose of qualifying to submit a bid or proposal as provided herein. The foregoing restriction shall not, however, prohibit the department from giving such information in evidence or in pretrial discovery in any court action or administrative hearing involving the department and the contractor.

The department may at any time during which the certificate of prequalification is in effect demand a new prequalification questionnaire and if the same is not provided within sixty days of the date of request, the certificate of prequalification held by the contractor will be considered forfeited and the contractor will not be permitted to bid on contracts let by the department for those classes of ferry system construction or repair enumerated in subsection (8) of section 5 until such a new statement has been received by the department.

If at any time during the valid period of the certificate of prequalification the latest prequalification questionnaire on record with the department ceases to represent

fairly and substantially the financial position or the equipment and plant facilities of the contractor to whom the certificate was issued, it shall be the responsibility of that contractor to so notify the department and to refrain from further bidding on ferry system construction or repair contracts until his prequalification has been confirmed or revised. Failure to give such notice will constitute a violation of these rules.

The department reserves the right to require a personal interview with any contractor when considering his qualifications.

[Statutory Authority: 1983 c 133. 83-19-014 (Order 84), § 468-310-010, filed 9/12/83.]

WAC 468-310-020 Contents of standard prequalification questionnaire and financial statement. The standard prequalification questionnaire and financial statement shall be prepared in duplicate. The original shall be transmitted to the assistant secretary for marine transportation and a copy shall be retained by the contractor applicant. The contractor shall provide the following information:

(1) The name, address, phone number, contractor registration number and type of organization (corporation, copartnership, individual, etc.) of the contractor seeking prequalification.

(2) The contract size in dollars and the class or classes of work for which the contractor seeks prequalification (such as vessel dry-docking and hull repairs, vessel electrical repairs, etc.) as enumerated in subsection (8) of WAC 468-310-050.

(3) Ownership of the contractor and if a corporation, the name of the parent corporation (if any) and any affiliated companies or subsidiaries.

(4) An accurate and complete record of the 15 largest contracts in excess of \$10,000 performed by the contractor in whole or in part within the preceding three years both in Washington and elsewhere, including subcontracts, giving the contract amount, the date completed, the class of work, the name, address and phone number of the owner/agency representative, and any liquidated damages assessed against the contractor by an owner arising out of the performance of the contract.

(5) The principal officers and key employees showing the number of years each engaged in the class or classes of work for which the contractor seeks prequalification. The department may require resumes of the principal officers and key employees of any contractor seeking prequalification certification for work in excess of \$1,000,000.

(6) A contractor requesting prequalification certification to perform work in excess of \$10,000,000 shall submit copies of its audited annual statements for the previous three years as audited by an independent certified public accountant which shall include comparative balance sheets and income statements, a statement of retained earnings, supporting schedules and notes attached thereto, and the opinion of the independent auditor. The financial statement shall not be more than 12

months old when submitted. Any wholly owned subsidiary corporation may file the latest consolidated financial statement of its parent corporation in lieu of a financial statement prepared solely for such subsidiary providing the financial statement otherwise meets the requirements of the preceding two sentences. If a consolidated financial statement is filed on behalf of a subsidiary corporation, a bid of the subsidiary corporation will be considered only if there is on file with the department a letter from the parent corporation guaranteeing performance by the subsidiary corporation of its contract with the department of transportation in an amount at least equal to the amount of the bid. A letter of guarantee by a parent corporation may cover a specific contract bid by its subsidiary or all contracts bid by its subsidiary within a stated period of time.

(7) A list of all major items of equipment to be used in those classes of work for which prequalification certification is requested including the original cost, age, location and condition of such equipment. The schedule shall show whether the equipment is owned, leased or rented. All major items of useful equipment should be listed even though fully depreciated but no obsolete or useless equipment should be included. In the event the contractor seeks prequalification certification to perform work on ferry vessels, the schedule shall also describe plant facilities of the contractor including shipyards, dry docks, repair facilities and other plant facilities.

(8) Such other information as may be required by the prequalification questionnaire.

[Statutory Authority: RCW 47.60.680. 88-19-040 (Order 114), § 468-310-020, filed 9/14/88. Statutory Authority: 1983 c 133. 83-19-014 (Order 84), § 468-310-020, filed 9/12/83.]

WAC 468-310-030 Criteria for determining an unsatisfactory record of performing previous contracts. The department may refuse to prequalify a contractor which it determines has an unsatisfactory record of performing previous contracts. In making such a determination the department shall consider the record of the contractor in performing any contract in excess of \$10,000 in value performed in whole or in part within the preceding three years in accordance with the following criteria, to wit, whether or not the contractor has with respect to such contract:

(1) Furnished records, including but not limited to drawings, plans, manuals, and financial records as required by the contract;

(2) Submitted all drawings and plans to the department for review and approval as required by the contract;

(3) Fulfilled the requirements of any contractual guarantee or warranty;

(4) Diligently pursued execution and completion of work or delivery of vessels in accordance with contractual time schedules as modified by extensions of time by the owner;

(5) Cooperated with the owner in the performance of the contract including providing the owner access to the work for inspection and providing the owner timely notices of tests and trials as required by the contract;

(6) Performed the contract in a workmanlike manner with adequate quality assurance;

(7) Otherwise completed the contract in compliance with contract plans and specifications.

[Statutory Authority: 1983 c 133. 83-19-014 (Order 84), § 468-310-030, filed 9/12/83.]

WAC 468-310-040 Criteria for determining an unsatisfactory record of integrity. The department may refuse to prequalify a contractor which it determines has an unsatisfactory record of integrity in the performance of previous contracts or in connection with prequalification or bidding. In making such a determination, the department may consider any of the following as evidence of a lack of integrity:

(1) Conviction of violating a federal or state antitrust law by bidrigging, collusion, or restraint of competition between bidders, or conviction of violating any other bid-related or contract-related federal or state law. Conviction of a contractor's principal officers and agents of any such offenses will be imputed to the contractor;

(2) Willful concealment of any deficiency in the performance of a prior contract;

(3) Falsification of information or submission of deceptive or fraudulent statements in connection with prequalification, bidding, or performance of a contract;

(4) Debarment of the contractor by a federal or state agency or by a municipal corporation unless the period of the debarment has terminated;

(5) Default on a previous contract.

[Statutory Authority: 1983 c 133. 83-19-014 (Order 84), § 468-310-040, filed 9/12/83.]

WAC 468-310-050 Classification and capacity rating. (1) Each contractor seeking prequalification under these rules will be classified for one or more of the classes of work listed in subsection 8 of this section and will be given a maximum capacity rating in accordance with its financial ability, the adequacy of its equipment and plant facilities to perform the class or classes of work for which it has sought prequalification, the extent of the contractor's experience in performing contracts of the class or classes for which prequalification is sought, and the adequacy of the experience and capability of the contractor's officers and key employees in performing contracts of the class or classes for which prequalification is sought. The maximum capacity rating will limit the quantity of uncompleted work which the contractor shall have under contract at any one time either as a prime contractor or a subcontractor.

(2) The maximum capacity rating for a contractor applying for a rating in excess of \$50,000 will be ten times the contractor's net worth as set forth in the standard prequalification questionnaire and financial statement. A properly executed letter of credit from an acceptable financial institution may be considered as an asset increasing the contractor's maximum capacity rating by the amount of the credit, but without the use of a multiplier. The maximum capacity rating for a contractor not submitting an audited financial statement as provided in subsection (6) of WAC 468-310-020 will be

\$10,000,000: *Provided*, That in all cases the contractor's maximum capacity rating may be reduced to an amount considered by the department to be within the contractor's actual capacity based upon its organization, personnel, equipment and plant, and experience.

(3) Consideration will be given to raising, by an amount not to exceed 50 percent, the maximum capacity rating of a contractor who qualifies with respect to actual capacity based upon organization, personnel, equipment and plant facilities, and experience, upon receipt of evidence of a current bonding capacity of such additional amount with a corporate surety. Such evidence shall be in the form of a letter of commitment executed by an officer of the surety who is authorized to bind the surety. Notwithstanding the provisions of this subsection, the maximum capacity rating for a contractor not submitting an audited financial statement as provided in subsection (6) of WAC 468-310-020 will be \$10,000,000.

(4) The certificate of prequalification issued by the department will establish a contractor's maximum capacity rating which will be subject to reduction by the total value of its current uncompleted work regardless of its location and with whom it may be contracted to determine the contractor's bidding capacity at the particular time. This bidding capacity shall be called "current capacity."

(5) In determining the current capacity of a contractor, the deduction for uncompleted work will include work subcontracted from others and the contractor will be given a credit for work sublet to others.

(6) In order that the department may have the necessary information to determine a contractor's current capacity, the contractor shall submit to the department for each contract for which it intends to submit a bid (at the time it requests a bid or proposal form) a certificate of the contractor's current capacity which will be prepared by it and executed under oath and which will be accompanied and supported by a status of contracts on hand report. In making this certification, the contractor certifies that its current capacity is sufficient to cover the amount of any single contract for which it has submitted a bid.

(7) Notwithstanding the provisions of this section, a contractor will be allowed to submit a bid for an amount up to \$50,000 on a class or classes of work for which it is prequalified without regard to any financial maximum capacity rating or financial current capacity rating: *Provided*, That the contractor's current capacity may be reduced to an amount considered by the department to be within the contractor's actual capacity based upon its organization, personnel, equipment and plant facilities, and experience.

(8)(a) Construction, repair and maintenance work on ferry vessels and main ferry terminal buildings for which prequalification certification under these rules may be granted are classified as follows:

- Class 1 Vessel construction and renovation;
- Class 2 Dry-docking and hull repairs;
- Class 3 Vessel metal fabrication repairs;
- Class 4 Vessel electrical repairs;

Class 5 Vessel miscellaneous repairs;
 Class 6 New terminal building construction and terminal building major reconstruction and remodeling;
 Class 7 Terminal building renovation and repairs;
 Class 8 Painting (terminals only);
 Class 9 Roofing (terminal buildings only);
 Class 10 Terminal structures – miscellaneous, including pile driving.

(b) A contractor currently prequalified under RCW 47.28.070 to perform those classes of work required in the construction, improvement and repair of ferry terminal facilities (other than main terminal buildings) will initially be deemed prequalified under these rules to perform such classes of work with the same capacity rating as approved by the department for highway related work.

[Statutory Authority: RCW 47.60.680. 88-19-040 (Order 114), § 468-310-050, filed 9/14/88. Statutory Authority: 1983 c 133. 83-19-014 (Order 84), § 468-310-050, filed 9/12/83.]

WAC 468-310-060 Review of restrictions in prequalification certificate. Any contractor dissatisfied with restrictions on the dollar amount or class of work approved in its prequalification certificate may file a complaint with the assistant secretary for marine transportation together with supporting documentation. The assistant secretary or his designee shall review any such complaint and any data furnished by the contractor and may affirm or modify such restrictions in the prequalification certificate.

[Statutory Authority: 1983 c 133. 83-19-014 (Order 84), § 468-310-060, filed 9/12/83.]

WAC 468-310-070 Joint ventures. The department recognizes two distinct types of joint ventures for prequalification, classified as follows:

(1) **Individual project joint venture:** An association of two or more prequalified firms formed for the specific purpose of submitting a joint bid on a particular project. The bid of an individual project joint venture will be accepted provided all members of the joint venture are currently prequalified. At least 15 days prior to the date set for opening bids, the members of the joint venture must execute and file with the department, for its approval, a standard form of "individual project statement of joint venture" setting forth the name of the joint venture, the members of the joint venture, the title of the improvement and the names of those authorized to bind the joint venture. (Corporate minutes authorizing the joint venture must accompany the joint venture request for prequalification.)

(2) **Continuing joint venture:** An association of two or more firms formed for the purpose of submitting joint bids on projects to be let over a period of time. The bids of continuing joint ventures will be accepted if prequalification has been satisfactorily established by the following methods: A standard questionnaire and financial statement combining the assets and liabilities of all members of the venture shall be submitted in the name

of the joint venture, together with a photostatic or certified copy of the joint venture agreement. Such agreement shall contain a provision which will unequivocally bind the parties, jointly and severally, to any joint venture contract entered into thereunder. It shall also specify the name under which the joint venture will operate and the names of those authorized to sign proposals, bonds, contracts, estimates and other documents and/or instruments in connection with the department's contracts. Corporate minutes authorizing the joint venture must accompany the joint venture request for prequalification. The department may require such further documentation as it may deem necessary. A continuing joint venture agreement will be executed as follows: An individual member of the joint venture shall sign in his individual capacity showing the name of the firm under which he is doing business. All partners both general and limited of a copartnership shall sign under the name of the copartnership. An authorized officer shall sign on behalf of a corporation with the corporate seal affixed. A certified copy of the resolution of the board of directors adopting the joint venture and authorizing the officer to enter into a joint venture agreement on behalf of the corporation shall accompany the agreement.

[Statutory Authority: 1983 c 133. 83-19-014 (Order 84), § 468-310-070, filed 9/12/83.]

WAC 468-310-080 Nonrenewal and revocation of prequalification certificate. The department may refuse to renew a contractor's prequalification certificate, or may revoke a contractor's prequalification certificate in accordance with the criteria contained in WAC 468-310-030 and 468-310-040. In denying or revoking a contractor's prequalification certificate under this section or under WAC 468-310-030 or 468-310-040, the department shall specify the period of disqualification which shall not exceed three years. At the end of such period, the contractor may again apply for prequalification as provided in these rules.

[Statutory Authority: 1983 c 133. 83-19-014 (Order 84), § 468-310-080, filed 9/12/83.]

WAC 468-310-090 Notification and opportunity for a hearing. Notification of the department's intent to (1) refuse to prequalify a contractor, (2) refuse to renew a contractor's prequalification certificate, or (3) revoke a contractor's prequalification certificate will be made in writing and will be served upon the contractor by mail, properly addressed with postage prepaid. The intended action set forth in the written notification shall become final unless the contractor serves on the assistant secretary for marine transportation, a written request for a hearing thereon within 10 days after receipt of the notification. Upon receipt of such a request, the department shall afford the contractor a hearing in accordance with chapter 34.04 RCW relating to contested cases.

[Statutory Authority: 1983 c 133. 83-19-014 (Order 84), § 468-310-090, filed 9/12/83.]

WAC 468-310-100 Delegation of authority. The assistant secretary for marine transportation is delegated

authority to administer the provisions of chapter 133, Laws of 1981 and chapter 468-310 WAC. The assistant secretary for marine transportation is delegated authority to exercise all powers vested in the secretary of transportation by WAC 468-10-234 relating to the adoption of a final order granting, denying or revoking a prequalification certificate pursuant to chapter 133, Laws of 1983. The assistant secretary for marine transportation may further subdelegate authority to exercise all powers vested in the secretary of transportation by WAC 468-10-234. A person to whom such authority is subdelegated shall be deemed to be the designee of the secretary of transportation as that term is used in WAC 468-10-234.

[Statutory Authority: 1983 c 133. 83-19-014 (Order 84), § 468-310-100, filed 9/12/83.]

Chapter 468-320 WAC

WASHINGTON STATE FERRY VESSEL CONSTRUCTION, MAINTENANCE AND REPAIR CONTRACTS--ALTERNATE FORMS OF SECURITY AND DETERMINATION OF BONDING AMOUNT REQUIRED

WAC

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WAC 468-320-010 Marine contract security—General requirements. (1) As required by chapter 58, Laws of 1989, the bond and/or alternate form(s) of security for a contract for construction, maintenance or repair of a marine vessel by the Washington state department of transportation (hereafter "contract"), shall be in an amount adequate to protect one hundred percent of the state's exposure to loss on such contract. The contractor shall provide either:

(a) An executed contract bond, as described in RCW 39.08.010, in the amount of one hundred percent of the state's exposure to loss and in the form required in the bid specifications; or

(b) A combination of security, totaling one hundred percent of the state's exposure to loss, consisting of:

(i) An executed payment bond in the amount of the state's payment exposure (see WAC 468-320-030) as stated in the bid specifications, which is adequate to fully protect the state against claims for work done by laborers, mechanics, subcontractors, materialmen and all persons who supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work, when such persons have not been paid by the contractor, and the state has paid for such work; and

(ii) An executed contract bond and/or alternate form(s) of security totaling one hundred percent of the

state's performance exposure (see WAC 468-320-030) as provided herein; or

(c) An executed contract bond and/or alternate form(s) of security totaling one hundred percent of the state's performance exposure, if the state, in performing the analysis described in WAC 468-320-030, determines that contract payment procedures completely eliminate its payment exposure (see WAC 468-320-030), and the state so provides in the bid specifications.

(2) Subject to the warranty coverage requirements of WAC 468-320-060 and 468-320-070, such bond and/or alternate form(s) of security shall remain in effect from the date of contract execution until the state has accepted the contract work, the lien claim period has passed, any liens filed under chapter 60.28 RCW have been settled, and all releases from other state of Washington agencies have been received.

[Statutory Authority: Chapter 34.05 RCW and 1989 c 58. 89-22-028, § 468-320-010, filed 10/26/89, effective 11/26/89.]

WAC 468-320-020 State's exposure to loss. The state's exposure to loss in such a contract is equal to the amount calculated in the written loss evaluation process described in WAC 468-320-030.

[Statutory Authority: Chapter 34.05 RCW and 1989 c 58. 89-22-028, § 468-320-020, filed 10/26/89, effective 11/26/89.]

WAC 468-320-030 Calculation of state's exposure to loss. (1) For each contract, a written loss evaluation will be conducted by the project design team during the estimating phase of plan preparation. This evaluation will determine the amount of the state's exposure to loss broken down into performance exposure (subsection (2)(a) through (f) of this section) and payment exposure, if any (subsection (2)(g), (h), and (i) of this section). These amounts will be included in the bid specifications. The amount of the state's exposure to loss will be expressed in terms of a dollar amount or a percentage of the contract amount. After bid opening, copies of the written evaluation will be made available upon request.

(2) The evaluation will include consideration of all potential costs to the state (including engineering and administration (overhead)) in the following risk categories, mitigated generally by permitted delays in payments to the contractor and by contract retainage, and mitigated specifically as described below:

(a) Damage to the vessel, mitigated as appropriate by the required builder's risk insurance.

(b) Noncomplying or faulty material, mitigated as appropriate by the manufacturers' warranties and/or the degree of anticipated state inspection and testing.

(c) Work done poorly, incompletely, or incorrectly, mitigated as appropriate by the nature, complexity, and accessibility of the work, and/or the degree of anticipated state inspection.

(d) Out of service costs due to delays in the work.

(e) Failure to receive United States Coast Guard or American Bureau of Shipping approval, when required, for work already paid for by the state.

(f) Default or bankruptcy of the contractor, including:

- (i) Removing the vessel from the contractor's facility;
- (ii) Identifying and removing from the contractor's facility material paid for by the state;

- (iii) Delivering the vessel to alternate shipyard facilities (contractor or state);

- (iv) Completing the work, whether by new contract or by state forces; and

- (v) Administering all such actions.

- (g) Failure of the contractor to pay taxes or other governmental obligations related to the contract.

- (h) Failure of the contractor to pay wage rates required by law.

- (i) Failure of the contractor to pay claims of laborers, mechanics, subcontractors, materialmen and all persons who supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work.

(3) If a contract change order significantly increases the amount of the state's exposure to loss, such change order shall specify the amount of such increase and shall provide the amount and form of additional contract security required.

[Statutory Authority: Chapter 34.05 RCW and 1989 c 58. 89-22-028, § 468-320-030, filed 10/26/89, effective 11/26/89.]

WAC 468-320-040 Alternate forms of security. In addition to a contract bond, the following alternate forms of contract security are acceptable if they provide protection in an amount at least equal to the state's exposure to performance loss, meet all legal requirements for effectiveness and authenticity, are specified in the bid specifications for a particular contract as being acceptable for that contract, and meet all of the special requirements set forth below and in the bid specifications for the particular contract:

- (1) Certified check;

- (2) Cashier's check;

- (3) Treasury bill(s);

- (4) Irrevocable bank letter of credit;

- (5) Assignment of a savings account;

- (6) Assignment of other liquid assets specifically approved by the assistant secretary for marine transportation or his designee.

[Statutory Authority: Chapter 34.05 RCW and 1989 c 58. 89-22-028, § 468-320-040, filed 10/26/89, effective 11/26/89.]

WAC 468-320-050 Specific requirements for alternate forms of security. In addition to meeting any special requirements contained in the bid specifications for a contract, alternate forms of contract security will be subject to the following requirements:

- (1) Certified check.

- (a) Must be issued by a bank which:

- (i) Is a qualified public depository under RCW 39-58.010 and meets any other requirements contained in the bid specifications; or

- (ii) Meets alternate standards set forth in the bid specifications.

- (b) Will be deposited as directed by the contractor at the time of contract execution, with the options specified in WAC 82-32-010.

(2) Cashier's check.

(a) Must be issued by a bank which:

(i) Is a qualified public depository under RCW 39-58.010 and meets any other requirements contained in the bid specifications; or

(ii) Meets alternate standards set forth in the bid specifications.

(b) Will be deposited as directed by the contractor at the time of contract execution, with the options specified in WAC 82-32-010.

(3) Treasury bill(s).

(a) Must be issued by the Treasury Department of the United States and meet any other requirements contained in the bid specifications.

(b) Must be used only for contract security, not warranty coverage.

(c) Must bear a maturity date which is at least six months past the date specified for contract completion. If for any reason, the actual contract completion date extends to within sixty days of the maturity date of the treasury bill(s) furnished by the contractor, the contractor shall, at least thirty days prior to the maturity date, substitute treasury bill(s) with a maturity date at least six months longer than the state's new estimate of the time required for contract completion.

(d) Must be held in book entry at the Federal Reserve in San Francisco and be pledged to the state's account.

(4) Irrevocable bank letter of credit.

(a) Must be issued by a bank which:

(i) Is a qualified public depository under RCW 39-58.010 and meets any other requirements contained in the bid specifications; or

(ii) Meets alternate standards set forth in the bid specifications.

(b) If at any time during the contract or warranty period, as applicable, the issuing bank fails to meet the standards specified in (a) of this subsection, the contractor shall inform the state of such event, and shall, within ten days, substitute an irrevocable letter of credit from a bank which meets the standards specified in (a) of this subsection.

(c) Must be in the form required in the bid specifications, unless an alternate form is approved as provided in (d) of this subsection.

(d) If a contractor cannot obtain an irrevocable letter of credit in the form required in the bid specifications, and wishes to propose an alternative form of irrevocable letter of credit, it shall submit such alternate irrevocable letter of credit to the contracts department of Washington state department of transportation, marine division, for approval on or before the date set forth in the bid specifications. The state, in its sole discretion, may approve or reject the proposed letter of credit, or may suggest changes in it which will make it acceptable, provided the contractor and its bank concur with such changes, in writing, prior to the date set for bid opening.

(5) Assignment of savings account.

(a) The assigned account must be in a bank which:

(i) Is a qualified public depository under RCW 39-58.010 and meets any other requirements contained in the bid specifications; or

(ii) Meets alternate standards set forth in the bid specifications.

(b) The proposed document of assignment shall be submitted to the contracts department of Washington state department of transportation, marine division, on or before the date set forth in the bid specifications. The state, in its sole discretion, may approve or reject the proposed document of assignment, or may suggest changes in it which will make it acceptable, provided the contractor and its bank concur with such changes, in writing, prior to the date set for bid opening.

(c) Must be accompanied by a notarized statement, on bank letterhead, stating that the bank concurs in the assignment.

(d) Must be effective:

(i) For at least six months past the date specified for contract completion, if the contractor does not propose to use the assignment for warranty coverage; or

(ii) For at least one year and six months past the date specified for contract completion if the contractor proposes to use the assignment for warranty coverage.

If for any reason, the actual contract completion date or end of the contract warranty period, as applicable, extends to within sixty days of the end of the savings account assignment, the contractor shall, at least thirty days prior to the end of the initial assignment, make a new or extended assignment in compliance with these regulations for a period at least six months longer than the state's new estimate of the time required for contract completion or warranty coverage, as applicable.

(6) Assignment of other liquid assets.

(a) Must be an assignment of assets approved for investment in WAC 82-32-060.

(b) Both a full description of the liquid assets proposed to be assigned and the proposed document of assignment shall be submitted to the contracts department of Washington state department of transportation, marine division, on or before the date set forth in the bid specifications. The state, in its sole discretion, may approve or reject the proposed liquid assets and/or document of assignment, or may suggest changes in them which will make the liquid assets or the document of assignment acceptable, provided the contractor concurs with such changes, in writing, prior to the date set for bid opening.

(c) Must be effective:

(i) For at least six months past the date specified for contract completion, if the contractor does not propose to use the assets for warranty coverage; or

(ii) For at least one year and six months past the date specified for contract completion, if the contractor proposes to use the assignment for warranty coverage.

If for any reason the actual contract completion date or end of the contract warranty period, as applicable, extends to within sixty days of the end of the liquid asset assignment, the contractor shall, at least thirty days prior to the end of the initial assignment, make a new or extended assignment in compliance with these regulations for a period at least six months longer than the state's new estimate of the time required for contract completion or warranty coverage, as applicable.

[Statutory Authority: Chapter 34.05 RCW and 1989 c 58. 89-22-028, § 468-320-050, filed 10/26/89, effective 11/26/89.]

WAC 468-320-060 Warranty coverage. All forms of contract security provided by a contractor shall ensure that the state receives warranty coverage for all losses resulting from any defects in material and workmanship for the period beginning on the date of redelivery of the vessel to the state and ending one year after that date. Such warranty coverage shall be at least as effective in protecting the state as that contained in the state's standard contract bond. Warranty coverage under a contract bond shall be specified in the bond and shall equal ten percent of the penal sum of the bond. Warranty coverage under alternate forms of security shall be in an amount specified in the bid specifications, increased or decreased by ten percent of the net amount of any change orders, and shall be delivered to the state as provided in WAC 468-320-090.

[Statutory Authority: Chapter 34.05 RCW and 1989 c 58. 89-22-028, § 468-320-060, filed 10/26/89, effective 11/26/89.]

WAC 468-320-070 Replacement bond option. As an alternative to the warranty coverage described in WAC 468-320-060, a contractor may, for the period beginning on the date of redelivery of the vessel to the state and ending one year after that date, provide a replacement bond in the amount specified for warranty coverage in the bid specifications, increased or decreased by ten percent of the net amount of any change orders. Such replacement bond shall be in the form required in the bid specifications, and shall be delivered to the state as provided in WAC 468-320-090.

[Statutory Authority: Chapter 34.05 RCW and 1989 c 58. 89-22-028, § 468-320-070, filed 10/26/89, effective 11/26/89.]

WAC 468-320-080 Prohibition of double security. Assets used as an alternate form of contract security shall not also be used to secure a contract bond on the contract.

[Statutory Authority: Chapter 34.05 RCW and 1989 c 58. 89-22-028, § 468-320-080, filed 10/26/89, effective 11/26/89.]

WAC 468-320-090 Delivery of alternate security to the state. All alternate forms of security permitted by these regulations and the bid specifications for a contract shall be delivered to the state in the manner provided in the bid specifications for delivery of a contract bond, unless provided otherwise in the bid specifications.

[Statutory Authority: Chapter 34.05 RCW and 1989 c 58. 89-22-028, § 468-320-090, filed 10/26/89, effective 11/26/89.]

WAC 468-320-100 Delegation of authority. The assistant secretary for marine transportation is hereby delegated authority to administer the provisions of chapter 58, Laws of 1989 and chapter 468-320 WAC. The assistant secretary for marine transportation may further delegate authority to exercise all such powers.

[Statutory Authority: Chapter 34.05 RCW and 1989 c 58. 89-22-028, § 468-320-100, filed 10/26/89, effective 11/26/89.]